

66 A 2
NARRATIVE
OF THE
PROCEEDINGS

OF THE
Lower House of Convocation,
Relating to
Prorogations and Adjournments;

From Monday, Feb. 10. 1700. (English Account) to Wednesday June 25. 1701.

Drawn up by the Order of the House.

L O N D O N:

Printed for Tho. Bennet, at the Half Moon in St. Paul's Church-yard, 1701.

APPARATIVE
OF THE
PROCEEDINGS

OF THE
HOUSE OF COMMONS
RELATIVE TO

PROCEEDINGS AND

PROCEEDINGS OF THE
HOUSE OF COMMONS
IN THE YEAR 1851



ORDERED BY THE ORDER OF THE HOUSE

LONDON:

i

THE
PUBLISHER
TO THE
READER.

AS common Prudence directs Men to provide themselves with defensive Arms, tho' they desire nothing less than an occasion to make use of them ; so the Lower House of Convocation, thought it necessary to put themselves in a posture of defence, by drawing up a Narrative of their Proceedings, tho' they hop'd there would be no occasion to publish it : Not that they had the least distrust of their Cause, but had rather that this unhappy Controversie had slept till next Sessions ; not doubting but by that time, Mens minds being freed from that heat and commotion which usually arises from disputes, Truth would have more easily gain'd admittance there ; and that their Lordships would have no longer insisted upon a Power, not only very injurious and prejudicial to the Proceedings, but destructive (as we conceive) of the very Being of the Lower House, and yet of no real benefit to the Upper.

But contrary to our expectations, we found there was more than ordinary Industry us'd throughout the Province, to prepossess the minds of the Inferiour Clergy

A

against

against their Representatives in Convocation; as if they were not defending their own, but invading the Rights of their Metropolitan and his Comprovincials, and trampling even upon Episcopacy it self. I need make no Remarks upon the absurdity of the Charge, the bare List of Convocation-Men alone affording a sufficient answer.

Thus that Controversie which was before confin'd to our own Walls, and should have been buried there where it first had birth, became the common subject of Discourse: and as is usual then, all Orders and Degrees of Men almost, engag'd themselves on one or t'other side of the question. And that this Ferment might be sure to be kept up amongst us, at last a little Pamphlet appear'd under the Title of, A Letter to a Friend in the Country, concerning the Proceedings of the Present Convocation: This Pamphlet did for some time continue what it is call'd in the Title, being truly and properly no more than a Letter to a Friend in the Country: for at first it was sent by the General or Penny-Post to such Persons only as were known Favourers of the Cause it defends; but after some time it was made more publick, and no longer shunn'd the sight of the Opposite Party.

Being thus privately at first dispers'd only into the Hands of Friends, there were some Persons every where prepar'd to cry it up, and in their Discourse to defend the Argument; and nothing yet appearing on the other side, no wonder that it should be boasted of by its Party, as an unanswerable Paper, and that we hear of several Converts made by it.

However, it is an honour we have no reason to envy them; for the weakest Army is able to keep the Field while no Enemy approaches; and if some unwary Stragglers falling in among them become their Prisoners, I hope it will not be call'd a Victory. We all know there are many Men who are apt to be prepossessed in favour of those

those who tell their Story first to them; and both the time and manner of the publication of this Letter, as well as management of the Argument, do all lead us to believe that it was writ chiefly for such Readers; so that if it gains its End, we shall not be much concern'd, as only valuing the opinion of such Judges as always reserve one Ear for the Defendant.

To them therefore and their impartial Judgment, I humbly tender that Narrative which was drawn up * by order of the Lower House of Convocation, and † approv'd of by them so far as it could be finish'd during their Session. Drawn up, I say, by order of the House; for the Publishing it, was afterwards wholly referr'd and submitted to the judgment of some few of their Members, whose Prudence they might very safely depend upon. But these Gentlemen were so far from sending it too hastily to the Press, that all the noise and triumph of our Adversaries, and the bluster which this little Paper made in the world, could not induce them yet to think it adviseable, much less necessary to make it publick: Neither did the importunity of their Friends prevail more upon them, who were jealous that our silence as things now stood, would be justly liable to a suspicious construction. I must needs own my self to be of this opinion, and when I saw delay which I could not account for, I took the liberty of sending that Copy which was in my hands to the Press, assuring the Reader that 'tis a very true one, and not doubting of his thanks for it.

The Persons whose Leave I ought to have had, may be angry with me if they please; but tho' no body has a greater Respect for them than my self, yet I could not pay such a deference to their opinion, as to think the defence of so just a Cause should be any longer protracted. I believe indeed, I ought to ask their pardon for the small additions I

have made to it, but do not doubt of their Candour, if they will be pleas'd to consider that their being plac'd in the Margent will sufficiently distinguish them from the Original Composition, if nothing else would; and that the Letter lately Printed, which varies so much from a Paper sent us down by the Bishops, tho' for the most part taken out of it, and which was their business only to consider, as well as some other Occurrences, made it necessary.*

* Sess. 10.

If the Merits of the Cause were only to be consider'd, I should have no farther trouble than to refer the Reader to the Letter and the Narrative: but when I find in the former, so many falsities obtruded upon the World, and unjust pretensions wrongfully charg'd upon both Houses, which very few Readers but the Members themselves can discover; I think I should fail in my Duty both to their Lordships, and the House I have the honour to serve in, if I did not upon this Occasion take notice of them.

But I must first beg leave to express my admiration at a Character I hear the Friends of this Letter give it. The good manners and temper of it are so extoll'd, as if 'twas to be a Pattern for ever to all Writers of Controversie. I shall not trouble my self or the Reader with the several Passages which are justly exceptionable upon this account, but only content my self with referring him to one (pag. 1. c. 2.) which contains an Insinuation which is sufficiently intemperate; When he cautions his Friend in the Country, least he should be mistaken in what he means by the Lower House of Convocation (as engag'd in the present Controversie with the Bishops) he says, he does not mean the whole Body of them, but a Majority, who are oppos'd by several of their own Members, Eminent for Learning, Piety and Wisdom.

Here

Here the House is manifestly divided into two parts, the one it seems consists of Members, Eminent for Learning, Piety and Wisdom; and the other is a Majority; far be it from me to detract from this great Character which is given those Wortby Gentlemen, whom we think mistaken in this Controversie: I wish Learning, Piety and Wisdom might be justly attributed to every one of our Brethren, and am glad these have them so publicly ascrib'd to them; but am sure the more they partake of them, the readier they will be to acknowledg, that in Opposition to their Brethren (the Majority) these Excellencies do not Eminently belong to them.

I know it will be said that no Reflection was design'd upon the Majority, but only an honourable Character given of those few Gentlemen who were engag'd in that Cause which this Author writes for, that he might seem by weight to supply the want of Numbers. But besides, that their weight would make nothing for him, if the opposite were as weighty; because the disproportion of the Numbers would be still the same: Besides this, I say, the vanity of the Excuse will plainly appear, if we put a parallel case, as this; Suppose in the following Narrative care had been taken to advertize the Reader, that when we speak of the Upper House, and the Bishops (as engag'd in the present Controversie with the Lower) we don't mean the whole Body of them, but a Majority, who are oppos'd by several of their own Members, Eminent for their Zeal in maintaining the Rights and Honour of their Order, and the true Interest of the Establish'd Church: I say, suppose this passage had been at the entrance of our Narrative would the Majority of the Upper House have thought themselves unconcern'd in this distinction? I believe not; and yet this is precisely the same Case, and consequently capable of the very same Apology.

But

But besides this, in giving an account of the Controversie through his whole Letter, he does all along insinuate it as a great fault in the Lower House to dispute this matter with their Lordships. This is to make the Lower Clergy the Lowest Men in England; for such is the freedom of an Englishman, that the meanest Subject may without offence dispute a matter of Right with the King himself. Neither by his leave, should he have call'd our modest asserting of what we suppose to be our Rights, the opposition of Presbyters against their Bishops, (P. i. c. 1.) till he had prov'd where the Right lay, for till that be determin'd we cannot tell whom to charge with the opposition. If the Right be ours (as I doubt not, will appear) ought our defending it to be call'd an opposition against our Bishops? this is taking the thing roundly for granted, which is the very matter in dispute. Just so in the very next words he would impose upon the judgment of an unwary Reader by a bold Assertion without any proof, that the Rights now disputed are such Synodical Rights, as were enjoy'd and exercis'd by Metropolitans and their Comprovincials in the purest Ages of the Church: the falseness of which is taken notice of in the Narrative.

But this Artifice is not only made use of here, but runs quite through the Letter, for we find him at every turn begging the question, which no doubt he knew a good reason for; and slurring Propositions which make for him, upon the Reader for uncontested truths, which are just the contrary. Thus any one who reads his account of the Nature of an English Convocation, (p. i. c. 2.) must needs think that before the division of it into two Houses, the Inferiour Clergy had no more to do, but to go aside when commanded by the Archbishop, and debate only upon such matters as he gave them in charge. Whereas in truth they then Acted as a distinct Body, as much as they have since;

since ; separating from their Lordships, whenever they thought fit, and not only when the Archbishops and Bishops requir'd their opinion, as this Author falsely suggests ; and in all Synodical Acts their Concurrence was as necessary as it is now. But the Reader will find this matter so fairly stated in the Narrative, that nothing more need be said here, except to observe how slyly the words Jurisdiction and Obedience are foisted in, to ensnare the Reader into a belief, that the Archbishop and his Comprovincials had nothing to do in Convocation but to command, nor the Inferiour Clergy but to Obey. And having thus broke the Ice, he proceeds to more express Assertions, and (p. 2. c. 1.) gives you several instances of his Grace's Jurisdiction, which, according to his usual Prudence of begging the Question, he says, the Archbishop has an undoubted Right to exercise over the Lower House ; and that nothing is more evident from the practice of former Convocations than the Archbishop's power in these particulars over the Lower Clergy, as he is President of the whole Convocation. But if we examine these particulars, we shall find he has taken care to croud in some which he knew to be false, in hopes they would pass for the sake of the good Company they appear in : such are these, His Power to prescribe the time within which they shall return their Resolutions ; to order the Choice of Committees, and the number of which they shall consist ; and to determine the Right of Elections : The first of these is not always possible to be done ; the two next never were pretended to as of Right ; and the last is so far from being solely in his Grace, that we are sure it has been exercis'd by the Lower House.

But because we hear so often of Opposition of Presbyters against their Bishops ; of Synodical Rights enjoy'd and exercis'd by Metropolitans and their Com-

Comprovincials in the purest Ages of the Church ; of the Jurisdiction of the Upper, and Obedience of the Lower House ; of the Rights of the Archbishop as President of the whole Convocation ; of Claims advanc'd in behalf of the Inferior Clergy, inconsistent with the Canonical Authority of their Metropolitan and Bishops ; *Expressions by which the Reader is decoy'd into a belief, that there are some inherent and inseparable Rights belonging to a Metropolitan which the Lower House of Convocation is now encroaching upon : I refer the Reader to a passage in the Narrative (Pag. 29.) concerning the Nature and Original of the Metropolitcal power ; which alone is sufficient to overthrow any pretence of Authority deriv'd from those Ancient Provincial Synods to our Upper House of Convocation.*

But to confine our selves only to the consideration of the question in dispute ; it will evidently appear that nothing can be more impertinent than to mention the Authority of Ancient Metropolitans and their Comprovincials. Our dispute is about the Power claim'd by the Upper House of Adjourning the Lower ; a Power which was impossible for Ancient Metropolitans and their Comprovincials, either to exercise or claim, there being no Lower House in those Synods. The Archbishop and Bishops of the Province alone, being presum'd to bring the consent of their Presbyters along with them, compos'd the whole Provincial Synod ; all others only attending but to prefer their Petitions, or make their complaints as they had occasion. If here the Metropolitan and his Brethren adjourn'd the whole Synod, what wonder ? they adjourn'd only themselves. But if any argument be to be fetch'd from those Ancient Synods as to Adjournments, it will make for us ; for they were not adjourn'd by the Metropolitan's Authority alone as President, but their own consent ;

consent ; and by a parity of Reason, a Provincial Synod of another Form, which consists of Two Houses, as Essential parts of it, should not be adjourn'd without the consent of each House, for then the Synod would be adjourn'd without the consent of the whole.

But this will still more clearly appear, if we look a little further into the Nature of our English Convocation, which is an Epitome (if I may so speak) of all the Diocesan Synods in the Province sitting together. For there is the Bishop of every Diocess, and his Clergy Assembled by their Representatives with him ; the Bishops sitting by themselves in one House, and the Presbyters by themselves in another. Now every body knows that nothing can be done in a Diocesan Synod without the consent of the Presbytery, and consequently in our Provincial Synod likewise their consent must be necessary, because it is compos'd only of so many Diocesan Synods put together. And accordingly their concurrence to any Synodical Act was never disputed by the Upper House, except in this single instance ; but how they came to have a Negative in every Act but this alone, I must desire the Letter-Writer to inform us. And that this is the true Notion of an English Convocation, will appear yet farther, from the long disuse of Diocesan Synods among us ; for when Provincial Councils were call'd, the Bishops anciently were first admonish'd to hold their Diocesan, as preparatory : but these seem therefore to have been long intermitted in England, because they were really contain'd and included in the Provincial ; Ours consisting of the Bishops, and a Representation of the Clergy of their several Dioceses, whose consent is thereby had as it ought to be in all Canonical Ordinances ; and whose Propositions and Representations are there to be receiv'd, a Synod be-

ing call'd for that purpose chiefly. See Bishop Stillingfleet's Unreasonableness of Separation, 3. 12.

And now I think it is time to Address my self to the Reader in a few words borrow'd from the Letter-Writer; and to say, Sir, by this you see how little they are to be depended on, who would perswade you to be so much influenc'd in the Points under debate, by a Parity in Constitution between an Ancient Synod, and an English Convocation: I cannot go on with him and say, they are two Constitutions, as different in their Nature and in their manner of Summoning, Meeting, Sitting and Acting, as can well be conceiv'd; lest I should give the Reader as mean an opinion of my conceiving Faculty, as the Letter-Writer has done of His, when he gave his Judgment in the same words, concerning an English Parliament and Convocation, (p. 2. c. 1.) Whoever reads Dr. Atterbury's Book, the following Narrative, or even the Parallel which is made between these two Constitutions in the Letter it self; will find they are not so very unlike but that this Author has very ill luck at discovering their agreement. Since therefore he has no better success in discerning a likeness, no wonder that his Reasoning is no better, that depending chiefly upon comparing things truly, and observing the Relation and dependence which is between them, and the result thereof.

A remarkable Instance of this defect in his Reasoning faculty, is very fit to be taken notice of in this place, being upon the Subject we have been speaking of, and is to be found (p. 3. c. 1.) where he says, That a power in the Lower Clergy to meet as oft, and to debate as long as they shall think fit, would be inconsistent with the Presidency of the Archbishop
over

over the whole Synod. *Why so? If there be any reason for this Assertion, 'tis because the Archbishop as President has power in himself by such Adjournments as he shall think fit, to put a stop to their Debates, and to the too great frequency of their Meetings: But this Author himself does not ascribe such a power to him alone as President, and therefore how the Lower Clergies Sitting, and debating at their discretion should be inconsistent with it, is above my understanding. But if his Grace had such a power, as President, over the whole Synod, would not their Lordships Sitting as long, and meeting as oft as they please, be inconsistent with it as well as ours? most certainly; and yet this Author knows their Lordships do sit and debate just as oft and as long as they please, submitting to no Adjournment but by their own consent.*

In the same Paragraph there are several other false Assertions as well as the question again begg'd; but since the Cause wants Arguments so much to support it, and that this Author is so unhappy in managing those which it seems to have; we could have pardon'd him his Affirmations instead of Proof, if he had not charg'd us with our Assent to them; for after having affirm'd all that we deny, and even the Question in Dispute; Thus much, says he, is acknowledg'd by the Lower Clergy consider'd as a Meeting purely Ecclesiastical; but then they reckon themselves to sit in Convocation under a Civil Capacity also, and as such to be immediately subject to a Power Superior to the Archbishop. This is a very extraordinary degree of Assurance, and the first instance I have met with of any body so hardy, as to think he could impose so much upon the Understanding, as to perswade Men that they assent to Propositions which they profess'dly deny. If we had acknowledg'd so much as this Author says we do, why all this pains taken

to convince us? this Elaborate piece might have been spar'd, and a Letter with an How D'ye to his Friend in the Country would have serv'd his turn as well. Neither has the distinction he makes any more truth in it: for were the Præmunientes Clause executed, it would indeed be a means of bringing us together; but could not alter the Nature of the Synod when met, which would then be a Meeting as purely Ecclesiastical, as it is at present. If any private Person whom he has met with, has got such a fancy in his head as to think we sit in a Civil capacity also, yet I am sure he ought not to have told the World the Lower Clergy are of this opinion, for nothing can be more false.

But these are not the only Opinions which he would put upon us whether we will or no: There is a remarkable one which he charges us with, when he states the difference between the Two Houses; where he says, the Lower House claims a Power not only of continuing themselves to any day in the Interval of the Archbishop's Prorogation; but may (if they Please) Adjourn themselves beyond the day to which the Archbishop had Prorogu'd, and not meet his Grace and their Lordships upon the said Day. The first of these is indeed a Power which we think we have a just Right to, viz. a power of Adjourning to an Intermediate time; but the latter, viz. a power of Adjourning beyond their Lordships, and not meeting at that day, is what we never pretended to, but utterly disclaim; as is very well known to all that were present at our Debates: For whenever such a Power was mention'd (as it often happen'd to be by Persons who mistook the extent of our Claim) the House always gave it up; nor do I remember so much as one single Man who ever contended for it.

The great Argument which we draw from Reason, against our being Adjourn'd by the Upper House, is that such a Power might be so abus'd, as to defeat all the Ends of our Meeting; but if we our selves might refuse to meet upon that day to which his Grace has Prorogu'd, it would be equally in our power to accomplish such a design: For since no Convocation-busines can be perfected but by Consent of both Houses, it is plain there could be nothing at all done, should we from time to time refuse to meet their Lordships upon that day to which they had Adjourn'd. For this, as well as many other reasons, we disown any pretence to such a Power; and as for that one Precedent by which he says we pretend to warrant it, I could easily shew the insufficiency of it if it were needful.

It is plain therefore that we so far acknowledg the force of their Lordships Adjournment, as to think our selves obliged to meet on that day, tho' we do not think our selves tyed up from meeting in the Interval, if our business require it: But we think these our Intermediate Meetings so far from being oppos'd to the General, that we look upon them to be Preparatory and Subservient to them; that we may be the readier against that time, to return our Answers, or make our Propositions. And why such a Power as this should be deny'd us, is hard to imagine; a Power which no way makes for our own particular interest; that tends not in the least to the diminution of the Authority or Honour of their Lordships, but that serves only for the better dispatch of the Common Business.

*Thus you see how wrongfully we are charg'd with a pretension to a Power which we disown: but have the less reason to take this ill of the Letter-Writer, because he deals no better by my Lords the Bishops, attributing
such*

such a Power to them, as they never exercis'd, nor we ever heard of during the whole Session. He tells us, that the Archbishop with his Suffragan, has a Right from time to time (as he sees occasion) to take Cognizance of, and to interpose in our Debates, (p. 3. c. 1.) and afterwards (p. 7. c. 1.) upon our Representation as to Toland's Book, he says, their Lordships had just cause to make an immediate exception against the method of this proceeding; because we ought not to have come to such formal Resolutions, without previous directions from the Upper House to enter upon the consideration of the Book: By this plainly intimating that the previous directions of their Lordships, are necessary before the Lower House can proceed on any Business. If their Lordships had conceiv'd themselves possess'd of such a Power, 'tis strange they should let us enter upon so much Business, and accept of so many Papers from us, without taking the least notice of it. All our Debates were not so acceptable to the Upper House, or kept so secret from them, but that some of their Lordships sure would have mov'd for the exerting of this Interposing Power; nor would other means have been sought out whereby to avoid the receiving some Papers from us, if such a Power had been thought of, which upon all the like occasions would have afforded a very ready and effectual Answer. Besides, if the Upper House had thought that the Lower could not begin any Business without previous directions from their Lordships; can it be imagin'd that in a whole Session of near five Months continuance they should treat them with so great neglect, as to offer no one thing to their consideration all that while? All the malice of our Enemies could never have contriv'd a way so effectually to render a Convocation contemptible, as the Fathers of our Church would have done by forbearing to exercise that
Power,

Power, by which alone we could have been Regularly employ'd. 'Tis evident therefore that their Lordships had no such power in their thoughts as is here ascrib'd to them. But farther, as the Letter-Writer here alleges this Power to justify the Bishops, for their taking so little notice of our Representation concerning Toland's Book ; would it not have been very proper for their Lordships themselves to have us'd it, to put a stop to that, and discourage any other proceedings of the like nature? what need had there been of consulting with Council learned in the Laws, if our Representation had come Irregularly to them, and had been the first Application of the kind that was ever made in an Episcopal Church ?

But since we have touch'd upon this particular, it may not be amiss to examine a little farther the defence which this Author makes for the Upper House, against those Reflections which evil-minded Men might make on this occasion. He proceeds (pag. 7. c. 2.) to tell us how much we are beholden to their Lordships for the Concern they express'd for the general safety of their Clergy, by consulting with Council before they would venture to engage in so hazardous an Enterprize ; and the Event, it seems, justify'd their Prudence, for the Councils Opinion was, That the Convocation had no Authority to pass such Censures. Well, thus we escap'd, and Toland with us.

After which (says he) they sufficiently testify'd their Concern for Religion, in the measures they took for the Prosecution of the Authors in a Legal way, and in their Endeavours to prevent the future publication of such Books by preparing a Bill to restrain the Liberty of the Press. This I must own would be very much to his purpose, if it were true ; and no doubt but the Lower House would have heard of it from

from their Lordships, if it were. For, besides that it might be justly expected when the Bishops moved by an Application from the Lower House, engage in any measures, tho not in a Synodical way; that they would be pleas'd to Honour that House with the knowledg of them: Besides this, I say in this particular case, it is almost impossible but that they should, because (as the Reader will find by the Narrative) it was not a Judicial Censure, but something of this kind which we aim'd at by our Representation; and can it be conceiv'd that the Bishops should be doing the very thing we desir'd, and what would effectually have answer'd our intentions; and yet at the same time make use of a far-fetch'd reason for doing nothing in it?

I am sorry the Letter-Writer was not provided with a better defence, before he started this unhappy Objection against the present Prelates of our Church.

But he seems to think at last that he has hit it, and concludes in Triumph: Whoever, says he, upon this or any other occasion, can suggest the want of Zeal or Courage in their Lordships, must have forgot their undaunted Opposition to Popery, tho with the Hazard of their Lives and Fortunes. This is great; he has now shew'd himself an Able Advocate indeed! for he has not only with one puff, blown off all this Calumny, but found out a Charm which will for ever render their Lordships Honour Invulnerable. For let their Malicious Enemies, not only in This, but upon Other Occasions whatsoever, throw their Reproaches at them; name but their Opposition to Popery, and all the shame will fly back upon those Enemies Faces.

There was a time I confess, when the Word Popery carried terrour in its very Sound, and any Opposition made to it had the Power of Charity, to cover a multitude of faults;

Faults; but that is long since, the Charm is now worn out, and an Opposition to Popery will go for no more than its Intrinsic worth: and how great theyr Lordships was, above that of the rest of theyr Brethren, is not my present Business to enquire. But allowing it as great as the Letter-Writer himself pleases, what is that to the Occasion upon which at present, it seems, theyr Lordships Zeal is call'd in question? Here is a Representation of an Atheistical book, made by the Lower House to the Bishops, who refuse to joyn with them in their opinion concerning it: but who can object this to theyr Lordships, says theyr Advocate, since they Oppos'd Popery so Courageously Sixteen years ago? It may be wonder'd how he that could find no likeness between a Parliament and Convocation, should be so quick-sighted of a suddain as to discern an agreement between this Calumny, and His Defence. When so absurd and impertinent a Plea is made use of by a profess'd friend: if theyr Lordships worth was not very well known, the Reader must conclude that nothing else could be said for them. If Toland's book had bin Popery, or we had no other Enemies but Papists, his defence had been just and full: but since neither can be alledg'd, the Defender himself owning (p. 1. c. 1.) that we have so many Enemies round about us, what honour is it to the Bishops to have oppos'd that single one? which is no more, than what every one of our other Enemies; Socinian, Presbyterian, Independent, Anabaptist, Quaker, nay Toland himself, is ready to do. But possibly he thinks the hazard that was run, makes the value of their Opposition to Popery, more extensive. What peculiar hazard they ran of theyr Lives and Fortunes I must confess I am not able to Judg; but this I am sure of, That thro' God's mercy they have escap'd with Both; and 'tis my opinion that it would have been no small addition to theyr good fortune, if theyr Reputation had escap'd as well from the Detraction of this Man's Praise.

There might be many more Instances given of false Assertions and inconclusive Arguments, as well as Prevarications, which has bin a word us'd of late with less reason upon another occasion: for instance (p. 3. c. 1.) he says that in the Convocation 1689. a Committee was particularly appointed to inspect the Registers, in order to adjust the Privileges of both Houses; and then the Lower Clergy did not think the Quotations now produc'd, any ground for such a Claim, as their Successours in the present Convocation advance. If the Friend in the Country gives any credit to his Correspondent, must not he think that one chief business of that Committee was to enquire into this Privilege? and yet if you will ask any of those Gentlemen, they will tell you that this dispute was not then so much as thought of. The House had at that time very unacceptable business propos'd to them, and were so far from considering how they should fit to pursue it, that they desir'd nothing so much as to be discharg'd from it; and all of that Committee who are now in the Lower House, are great Advocates for the present Cause.

So likewise (p. 4 c. 1.) to invalidate the forms of Adjournment in the Lower House, he has these words: which Expressions (as apply'd in the present case) are plainly lyable to this general exception, that they are against the Common and Ordinary Stile of Continuation in the Lower House, which is Prolocutor Intimavit hujusmodi Convocationem esse continuandam, &c. now would not one think that the Common and Ordinary Stile in our Books was Intimavit? and yet whoever will search the Registers, will find this Form compar'd with the other, as deficient in Number, as his Members Eminent for Learning, Piety and Wisdom. But if it were the Common Stile, does it follow that this Intimation must necessarily be of this Adjournment by the Upper House? when

when the Lower House have agreed to Adjourn, who should Intimate this but the Prolocutor?

His Argument from the Coincident Adjournment of both Houses in 1586, (p. 4. c. 2.) I should not take notice of, but that he is pleas'd to call it a Testimony beyond dispute, and for this clear reason, because they could not in so many instances fall by Chance upon the same day. Who says they fell by Chance upon the same day? He knows the Adjournment of the Upper House is always notify'd to the Lower, or else how should we indeed meet their Lordships at their own day, which we own our selves oblig'd to do. Reason and Business govern the Adjournments of all Bodies, and we suppose our Ancestors were acted by no perverse Principles: so that when they had no occasion to meet in Intervals, we cannot suppose they would, any more than we shall; and I believe the Letter Writer will find it an hard matter to prove their business requir'd it, unless upon his usual way of begging the question, he presumes it will be granted.

To return to the business of Toland (p. 7. c. 1.) there the Letter Writer pretends to give an Account of the Proceedings of the Convocation 1689, in a Parallel Case; whereas that and this are quite different, the Lower House desiring then not only a Judicial Censure of the Books, but the punishment of the Author: but the Present House from the Reception that Address then met with, were sufficiently discourag'd from praying the same now; and therefore apply'd themselves to their Lordships after another manner, though with the same success. But why their Lordships were not as free to give their Opinion concerning that Atheistical Book of Toland, as they were of a few Words let fall in a Book writ upon State Matters only, reflecting upon the disposal of some Preferment, I shall not presume to enquire.


I might instance in much more of this kind, but I have too much already exceeded the brevity I intended, neither did I promise to my self to give a particular Answer to this Letter: the pains of doing that, I think, are sufficiently superseded by the Narrative; and while the Cause we maintain, is secure, it is needless to search nicely into every fault or folly of an Adversary.

A D V E R T I S E M E N T.

PROPOSALS are published for Printing the Works of *Dionysius Halicarnassensis*, with very great Improvements. In 2 Volumes in Folio, Greek and Latin. Put out by *J. Hudson*, D.D. Keeper of the *Bodleian* Library: And the Chronology is added by the Learned *Mr. Hen. Dodwell*.

Also Proposals for Printing at *Oxon* a Greek Testament in a Large Letter in Folio, with a Greek *Scholia* upon the whole, Collected from the Fathers, &c. By the late Learned *Mr. Arch-Deacon Gregory*: Review'd and Recommended by *Dr. Jane Dean* of *Gloucester*, *Dr. Aldrich* Dean of *Christ-Church*, *Dr. Sherlock* Dean of *St. Paul's*, *Dr. Cave*, *Dr. Alston*, *Dr. Lancaster*, *Dr. Atterbury*, and *Mr. Duke*.

* Note that the Names of all the Authors are put as they occur in the *Scholia*.

 Those Gentlemen who are willing to Encourage these Works, are desired to send in their Subscriptions (being only 5 s. to each) with their Names, because a Catalogue of them will be added to the Books. Specimens are delivered, and Subscriptions taken by the Undertaker *Tho. Bennet* at the Half Moon in *St. Paul's Church-yard*, and by most other Booksellers.

A

NARRATIVE, &c.

TH E Lower House of Convocation conceive Themselves oblig'd, as well for Their own Justification, as for the Satisfaction of all that wish well to the Establish'd Constitution both in Church and State, especially of Their Reverend Brethren the Inferior Clergy of this Province, to draw up a faithful and short Account of the Difference between the Upper House and Them, which by Ill Hands has been represented, much to Their disadvantage.

The few Rights They claim are so indisputably clear, so important, and even absolutely necessary to the very Being of a Convocation, that had they been asserted by 'em with as great *Warmth* as has been objected to 'em by Men of greater, the Cause would have sufficiently justify'd the Proceeding : But since on the contrary, they have been claim'd with so much Submission, and pursu'd with so much Temper and Patience, as it plainly will appear they were, We doubt not, but all æquitable Judges will as readily

B ly

ly approve the *Decency* of our *Conduct*, as acknowledg the *Justice* of our *Claim*.

The due Calling and Sitting of a Convocation, according to the Laws and Usages of this Realm, is the most proper, effectual, and legal means, of preserving the Soundness of our Faith, and suppressing Error and Hæresy; of redressing many Grievances, reforming many Abuses, supplying many Defects, in Cases of which no other Assemblies have the Proper Cognizance; but which extremely conduce to maintain the wholesome Doctrine and Regular Discipline of our Church. And it can hardly be imagin'd that the Church at Any time should be in such a State of Perfection, as to render Convocations needless, and fit to be wholly laid aside: 'tis rather certain that in all Ages there has been Occasion for their meeting, and more than ordinary in the Times of freshest memory. Notwithstanding, it is now eleven Years and upwards since the Sitting of the last Convocation: During which long interval, the Summons have indeed been regularly issu'd; but at the same time, the Effect of 'em has been prævented, by Adjournments from time to time, and to distant Days, whereby the Lower House has been hindred from Meeting, and Forming it self into a Body.

The hardship of this Proceeding was for some time silently submitted to, till the Danger of its being drawn into Précedent oblig'd the Lower House, first to complain of it to his Grace's Commissary, and afterwards to renew their most humble Applications to his Grace himself. But these most Dutiful Applications, though favourably receiv'd, and kindly answer'd by his Grace, produc'd no Redress: but instead of it, there arose fresh matter of Complaint.

For

For a private hand, pretending to his Grace's allowance with great Injury to the Church, and Indignity to the Clergy, gave the Publick such Reasons for this Practice as were more Grievous than the Practice it self. We were told in Print " that a Convocation " had neither Right to Sit, nor could Now be Useful " to any good purpose, if they should Sit: for that " the Publick could not hope to reap any benefit, " from the Consultations of Men of that Odious " Character; under which, the most considerable part of the Inferior Clergy were in all places as Industrious as Falsly represented.

Then it was, that in the Opinion of all Prudent Men, our Resentments could no longer be Dissembled: and theyr being made Public, was (as we conceive) one great inducement to the Allowance of the Sitting of this present Convocation; of whose Proceedings we design Now to give an account.

We think it not necessary to relate Every thing that was done in it: As what Motions were made, and Committees thereupon appointed, to Examine Books lately Publish'd against the Christian Religion in general, or more particularly level'd against the Articles of our Own Church: to Report Grievances in the Exercise of Ecclesiastical Authority: To Consider what effectual Methods might be found and propos'd to our Superiors, of advancing and propagating our Holy Faith in our Plantations abroad, or suppressing Immorality and securing Piety and good Manners among our selves at home: or for any other Convocational Business, which it belongs of Right to the Care of the Lower House to prepare and lay before the Bishops. For though such Business has been very much upon our Thoughts, and

there has been some Progress made in it, yet We have not been able to bring any of these Things to such Perfection as our Selves desir'd, and the World (as we conceive) expected; having been Oblig'd and Forc'd to employ the greatest part of our Time in Defending *the Power of the Lower House of Convocation to Adjourn it Self*: a thing that at the first view may possibly seem of little moment; but if duly consider'd, will appear necessary to secure all the other Rights and Libertyes of the Inferior Clergy; nay, and of the Utmost consequence to the Preservation of the Church it Self.

For if the Archbishop have by Law (together with the Power his Grace now Claims, and has Exercis'd of Depriving Bishops by Himself) a Power of Adjourning the Upper House of Convocation by his own *Sole Authority*, and if the Lower House likewise be involv'd in every such Adjournment: 'tis plain He not only has it in his Power to hinder Every Convocation from dispatching any of the Business that the Law appoints 'em, or from so much as ever meeting together; but his very Brethren and Comprovincials cannot Act but under the perpetual awe of his Depriving Power and if they are aggriev'd, can no more hope for a Synodical Redress than the Lower Clergy; but must leave Him, to Govern the Church by Himself, or with such Assessors as He shall chuse, and whose Judgment after all, He is not bound to follow. Thus all the Regular Provision that the Piety of the Government has made, for maintaining both our Doctrine and Discipline as by Law Establish'd, will be in an Archbishop's Single Custody: His Single Authority will be sufficient, to Controll the Power, and Void the Privileges of this
National

National Church: the whole Establish'd Ecclesiastical Constitution will depend so intirely upon His pleasure, that should He so think fit, He alone might effectually give it up, to Alteration or Destruction.

So Ruinous a Power as this is in its full extent, We are satisfy'd will neither be assum'd by This Archbishop, nor permitted in This Reign: But We dread to think, that If the Design of the last Reign to Subvert this Church, and Exirpate the Protestant Religion should again be entertain'd, by any of His Majesty's Successors, the making but of one Archbishop (supposing him invested with this Power) will suffice to give a Legal Accomplishment to so fatal a Design.

For these Reasons therefore, and for the Maintenance of the present Constitution, We could not but think it absolutely necessary to Insist upon the Right of the Lower House of Convocation to *Adjourn it Self*: which having prov'd the main Business Yet transacted by Us, We shall confine the sequel of this Account to the Steps and Grounds of our Proceedings in That Matter Onely.

THIS præsent Convocation being solemnly O-
pen'd with Prayers, and Sermon, and the Choice of
a Prolocutor, the restoring these Ancient Usages, after
so long a Discontinuance, gave Us Hopes, that the
Rest of our Rights and Privileges would in like manner
be restor'd.

In the same Hopes We continu'd in the beginning
of the next || Session; wherein, according to Usage,

Session I.
Lunæ. Feb.
10.
Session II.
Veneris.
Feb. 21.

|| Note that in the Language of Convocation, the Word Session does not signify
as in Parliament: but every distinct Meeting of either House is call'd a Session.

So likewise Prorogation is with Us the same with Continuation, or a meer Ordinary
Adjournment: Not such a Dismission as Elsewhere 'tis appropriated to, whereby the
Members of an Assembly are discharg'd from their Attendance, and the Privileges of
it, and sent home to their other Duties and Employments.

our Prolocutor was Præsentèd and Admitted by his Grace and his Suffragans. After which, their Lordships retiring to *Jerusalem-Chamber*, left Us to sit and act as a Distinct House, in King *Henry the Seventh's Chappel*.

HERE the Reader will be pleas'd to take notice, that in Elder times the whole Body of the Convocation us'd to Sit together in the same Room: And the Lower Clergy having, besides the Common Business, distinct Rights and Interests of their Own, were wont to separate from the Bishops (as theyr Lordships, for the same reason, us'd upon the like Occasions to separate from Them) to Debate and Conclude their *Own* business among Themselves: And they brought back their Conclusions to the Bishops, by an *Organum Vocis* (as he was call'd) Occasionally chosen by Themselves for that Præsent purpose. At the Same time, the Practice was much the Same in the State-Assemblies; to which we find the Clergy-Meetings endeavour'd to Conform; and to which Conformity We suppose We owe those Synodical Rights, which are peculiar to the Lower Clergy of the Church of England. But in After-times, the Convocation was in like Conformity divided into two distinct Houses; and the Prolocutorship became a settled Office; with a Power of Præsiding in the Lower House, to Manage theyr Debates, and Report their Resolutions to his Grace, who 'till then was suppos'd to have no Notice of them. And such has been the Usage for now near Three hundred years: And the Right of the Inferior Clergy thus to Sit and Act, in a Distinct Room of their Own, Apart from the Bishops, and as a *Distinct House from Them*, has never been so much as quæstion'd that We know of, since they first did so, to this day.

BEING therefore left, as We have sayd to Sit and Act by our Selves, We resolv'd to proceed upon our Business, and began with calling over the House: which was scarce done, when the Bishop of Peterborough came down to Us, and brought with him a *Schedule* (or Instrument) of *Prorogation*, which, as his Grace's Commissary, he read and sign'd in Our House. With the Form of this *Schedule*, We shall present the Reader in the Appendix, *Numb. I.* The Design of it, and of Thus sending it, was, immediately to break up our Assembly, and (as We have since found) to Require the Attendance of the whole House, or (as it was afterwards mollify'd) of the Prolocutor, and some few Members in the Name of the rest, upon his Grace and his Brethren in *Jerusalem-Chamber*, at a time appointed for our next Session, before We began it.

FOR the better understanding this *Schedule*, the Reader may observe, that After the Upper House was formally divided from the Lower, it continu'd however to use the same Phrase in its Adjournments, Continuing and Proroguing the *Præsens Convocatio*, or the *Hæc*, or *Hujusmodi Sacra Synodus*, or the *Convocatio Prælatorum & Cleri Provinciæ Cantuariensis*, under Words which seem to include the whole Body, but indeed, extend only to that Part of it There assembling; which being the Chief and more principal Part, does still carry the Style and Name of the Whole; but in effect speaks only for it self, as We humbly conceive. This, which We shall Hereafter prove to be true, the Reader will more easily understand Now, if he reflect upon the like Usage of Speech in Parliament. For There too, since the Separation of the two Houses, the Adjournment of the Lords House has been always enter'd in the Journal,
and

and still is to this day in this manner; *Dominus Cancellarius*, or *Custos Sigilli Continuavit Præsens Parliamentum, ad diem, &c.* but the Meaning of the Phrase is well known to be restrain'd to That House, and to signifie only the Adjournment of the Lords, notwithstanding *Parliamentum* is defin'd in the same Journals, *Conventus Procerum & Plebis.*

It is only for the Use of a Phrase that We again bring in a Comparison from the *High Court of Parliament.* For though, as was said above, We conceive that the distinct Capacity of the Lower House of Convocation was Deriv'd from an Imitation of the Lower House of Parliament, yet are We far from præsuming to set our selves upon a level with that honourable Body, or to prætend to æqual Privileges Thence with respect to the Lords the Bishops. For though We say that the *Continuatio Præsentis Convocationis* in the Upper House, does no more Adjourn the Lower, than the like *Continuatio Præsentis Parliamenti* in the Lords House Adjourns the House of Commons; Yet We do not deny but that when the Time and Place to which his Grace and his Brethren have Adjourn'd shall be duly signify'd to Us, We may be oblig'd to be Then Sitting in a Room of our own in That place, in readiness for a Communication with theyr Lordships. And for this, and this only Reason, (We conceive) the Adjournment of the Upper House has been us'd to be signify'd to the Lower: not that by such a signification the Lower was to be Forthwith Dismiss'd, or an Attendance next Session commanded in such a manner as it seems it was expected.

HOW long it has been usual to give the Lower House notice of the Bishop's Adjournment, by transmitting to the Prolocutor by their Lordships Register
the

the Schedule made and read in the Upper House, is uncertain: We find no mention of it in the Convocation-Books, till so lately as in 1677. But the sending down a Bishop to read and sign the like *Schedule* in the Lower House, is a Method of Adjourning that for ought We find was never thought of, before the Convocation in 1689. We could not therefore but be very apprehensive of the consequence of chusing so irregular and novel a Method at this time: We were most of Us sufficiently aware whereunto it tended, and that this Practice was of the same nature with the former, whereby We had been so long kept from meeting at all, and might hereafter be kept for ever. Notwithstanding We were not thereby hindered from complying with it for the present. For the truth is, We were unwilling to Begin a Dispute: not yet despairing but theyr Lordships upon further Consideration would think fit to Relinquish theyr unreasonable Claims, and allow us the free Exercise of our Ancient Liberty.

For the clearer manifestation whereof, and the plenary Satisfaction of both Houses, the next Session We appointed a Committee to Inspect the Convocation-Books; and to draw up a Report of what they found in 'em, relating to *Adjournments* and *Prorogations*.

Sessio III.
Martis.
Feb. 25.

This Session was both begun and concluded with an undeniable testimony of our dutyful Inclinations to theyr Lordships. For, complying with their last Adjournment, to which we might so justly have excepted, We met not in our own House, 'till We had first attended Them in the *Jerusalem-Chamber*: And when Theyr Register brought down a Schedule of Adjournment, and deliver'd it to the Prolocutor, He, with the consent of the House, after the Determination of some Business that was then before 'em, In-

timated This Adjournment to the Time theyr Lordships had præfix'd, and *In hunc locum*, the Words of the Schedule.

The Form of Intimation which he us'd was this; *Intimamus hanc Convocationem esse Continuatam usq; ad & in diem, &c. in hunc locum; & monemus omnes ad tunc & ibidem interessendum.*

A Copy of the Archbishop's Schedule the Reader will find in the Appendix, Numb. II. and be pleas'd to consult it. And as for *Intimamus*, the word here and elsewhere frequently made use of by the Prolocutor in Adjourning the House, 'tis well known that *Intimare* in the general acceptation means no more than simply and barely to give notice: but sometimes, according to the Occasion upon which it is us'd, or the Person that uses it, it * Connates an Authority, either Supreme, as in the Church of Rome if the Pope use it, or Subordinate, as it here does in the Prolocutor; who gives the House the Authentick notice of an Adjournment, not made by his own Determination. But how far the Power of the Archbishop, and how far the Power of the House, operates towards that Adjournment, is not to be inferr'd from the Word, (though the contrary by mistake has been suppos'd) but is to be collected from the Nature and Constitution of our Convocation, as hereafter more plainly will appear.

* See Appendix,
Numb. III.

To proceed, Theyr Lordships neither signify'd to Us, nor did We apprehend, that the words *In hunc locum* in the Body of the Schedule last mention'd, might not mean the General Place, the Church of Westminster in which we both sate, but were design'd by theyr Lordships to mean Theyr distinct Room, the Jerusalem-chamber, mention'd only in the Date of this Schedule, and in the Margin. Wherefore we began
our

A Narrative, &c.

I I

our next Session in our own House, as according to the Tenour of our Adjournment, and all ancient Practice, We were to do. And while We were proceeding in our Business, the Prolocutor was call'd up to the Upper House, and return'd with these two Quæstions in writing.

Sessio IV.
Veneris.
Feb. 28.

1. *Whether this Lower House of Convocation did sit, after they were || Prorogu'd by his Grace on the 25th. day of this instant Month of February?*

|| Here observe the promiscuous use of the terms Prorogu'd and Adjourn'd, as being synonymous in the language of the Convocation.

2. *Whither they did Meet this Morning, without attending in this Place (meaning Jerusalem Chamber) where they were || Adjourn'd?*

These were the two Quæstions which gave the first Rise to our Dispute: being deliver'd to the Prolocutor in such a manner (for his Grace at the delivery demanded, *If we did so, Why we did so*) and being in themselves of such a Nature, as gave us cause to apprehend, they were not so much Quæstions as *Claims* which intrench'd upon the very Being of the Lower House.

After the reading of these Quæstions, and referring the Consideration of 'em to the Committee of Adjournments, the Prolocutor acquainted the House, that he had reason to think, that an Instrument was præparing in the Upper-House, to Adjourn us to the next week, and into *Jerusalem-Chamber* expressly: and propos'd to the House, Whether they would not think fit to Submit with a *Salvo Jure* for the præsent? and till the Committee had brought in their Report? and accordingly to wayt upon theyr Lordships the next Session? and then come down to their Prayers and Business? It was immediately agree'd *They would;*

no Man Then suspecting, that this Session was design'd to be Adjourn'd, in a manner we could less submit to than to either of the former. But soon after, the Bishops Register was sent down to us with a Schedule of Prorogation, which he refus'd to deliver to the Prolocutor, alleging that He was commanded to publish it himself, and so he did. The Prolocutor in the mean time thought it more became Him to Quit the Chair, than by Keeping it to seem to give allowance to such an Indignity. But afterwards, finding the Register content to leave the Schedule in His Hands, He, to accommodate the matter as well as might be, resum'd the Chair, and by the consent of the House, Intimated the Adjournment as before had been agreed, according to the words of the Schedule, *In hunc locum vulgo vocat. Jerusalem Chamber, with a Salvo Jure.*

In the Intervals of these two Sessions, the Committee of Adjournments with great care and diligence examin'd all the Books of Convocation which were in theyr hands. Namely, *Acts of the Lower House in two Convocations under Archbishop Whitgift, in the years 1586. and 1588; Acts of the Upper House, and Minutes of the Lower, in two Convocations in 1640. under Archbishop Laud: and very brief Minutes of the Lower House in the Convocations since the Restauration.* The rest of the Books of both Houses since the Reformation, were burnt in the Fire of London: and those before it being in the Archbishop's custody, were not laid before the Committee: nor if they had been, they being only Acts of the Upper House, and it being against all Practice for the *Actuary* of one House to Register what passes in the other, except it be Thence notify'd to him, they could not have contributed much, as we conceive, either to the

the Determining or the Clearing of the Points in Question.

The next Session, the Committee to whom his Grace's Questions were referr'd, brought in their Report; which was read, and agreed to by the House, and Order'd to be carry'd up to their Lordships as the *Answer of the whole House*: for so it was there Determin'd by a great Majority, a very few only dissenting, of whom, the most considerable were such as had approv'd of it but the day before in the Committee.

It was not thought necessary to change this Report into a Formal Answer, or to Transcribe the Passages it refers to in the Books of Convocation (though to both these innocent Omissions, their Lordships thought fit to except) for the House was desirous as much as might be to avoyd all dilatory Proceedings, and were not ignorant, that their Lordships had *perus'd*, and *study'd*, and had then in their possession all the Books, from which those References were drawn.

The Report deliver'd to their Lordships by the Prolocutor, as the Answer of the Lower House to their Questions was as follows.

The Report of the Committee appointed to search the Convocation-Books, for Directions concerning the Prorogations of this House. Made on Thursday the Sixth Day of March, Anno Domini 1700.

*Adjournm^t per Prolocutor
Personally.*

*Sess. 3. 4. 5. 6. 9. 11. A.D.
1586.*

*Sess. May 8. 1640. Lower
House Books.*

" We find, that the
" Common Usage of this
" House has been, to
" continue Sitting, till
" the Prolocutor did Pro-
" rogue or Adjourn, or
" Sess.

Sess. Nov. 28. 1640. *ibid.*

Sess. March 21. 1677. &

April 17. 1679. *ibid.*

By Deputy

Sess. 7. Nov. 23^a 1586. *ib.*

Sess. 10. *ib.* May 2. 1640.
ibid.

With Consent of the
House.

Sess. May 2^d 1640. *ibid.*

Sess. *prox.* *ibid.*

Convocat' incept. Novemb.

4. 1640. *ibid. passim.*

Intimations.

Convocat' 1586. 1588.
passim.

Minute-Book 1661. *passim.*

To a Different Day.

Sess. May 5. 1640. *both*
Books Collated.

Sess. 12. Dec. 9. 1640. *both*
Books Collated, ut supra.

In hunc locum.

Sess. 2. *Upper House Book*
Collated, with Sess. 3.

Lower House Book, April
17th & 23^d 1640.

St Pauls and Lambeth.

Sess. 10. 1586. Sess. 8. 9.
1588.

" Intimate the Adjourn-

" ment or Prorogation

" thereof, either Perso-

" nally, or by some Mem-

" ber of this House, there-

" unto deputed by him;

" and in both these Cases

" (as We conceive) with

" the Consent of this

" House. And We also

" find by some Instances,

" that this House did not

" always Prorogue or

" Adjourn to the same

" day with the Upper-

" House.

" We find the like

" Common Usage of this

" House to have been,

" that When in the Up-

" per House the Convo-

" cation was Proroug'd,

" or Adjourn'd by the

" words *In hunc locum,*

" This House did meet

" apart from the same,

" at the same Particular

" Place where it sat last.

" And when the Convo-

" cation was Prorogu'd

" or Adjourn'd to some

" other General Place, *viz.*

" St. Pauls or Lambeth,

" then also this House

" did Assemble in a Se-

Sess.

House went up.
Sess. 11. 1586. Sess. 4.
March 4. 1586.
Sess. 8. 1588.

House call'd up.
Sess. 1. 2. 3. 6. 9. in Fe-
bruary, 1586.
Sess. 3. 4. 5. 6. 8. 12. in
1588.
Sess. June 13. 1662.

" *parate Place*, distinctly
" from theyr Lordships.
" And farther, We
" find no foot-steps of
" Evidence to conclude,
" that it was ever the
" Practice of this House,
" to attend theyr Lord-
" ships, before this House
" did Meet and Sit, pur-
" suant to theyr former
" Adjournment. But
" when this House hath first *Mett* and *Sate*, it hath
" been the constant Practice to Attend theyr Lord-
" ships with Business of theyr own at theyr own Mo-
" tion, or when they were call'd up to theyr Lord-
" ships by a Special Messenger.

*Agreed to by the Committee Nemine Contradi-
cente, March 5. 1700. juxta, &c. in præsenti-
tia Mei.*

Thomæ Rous No.ⁱⁱⁱ Pub.^{ci}

NOW to make this Answer as intelligible as
We can, to those who have not had Opportunity
to peruse our Books, or Leisure to inquire into the
Grounds and Reasons of our Claims, We conceive
it will be fit and proper, before we proceed in our
Narration, to Set forth particularly, what our *Claims*
are, and to prove the Justice of 'em, both by *Rea-
son*, and from *Fact*.

The first Paragraph of our Answer relates to
TIME: The second, and the beginning of the
Third to PLACE: To which two General Heads are
reducible All the Rights, which We had Then oc-
casion

casion given us to insist on. For concerning our Attendance on their Lordships upon Business of our *Own* at our *Own Motion* (the Attendance mention'd in the close of the third Paragraph) there was Yet no Dispute; though Afterwards it was made a Question, Whether any such Message from the Lower House should be admitted, unless it were brought up to their Lordships by the Prolocutor himself.

Asto TIME, the Point in question is not, Whether the Lower House are bound to hold a Session in their Own House at the time to which the Lords shall Adjourn? For (as We sayd before) We dispute not but we may be so oblig'd: But the Power of Adjournment we pretend to, and from Ancient Usage prove due to us in the first Paragraph of our Answer, is contain'd in these two Propositions.

1. That the *Lower House of Convocation* is not Broken up by a bare Signification that the *Upper* is Adjourn'd.

2. That the *Lower House* May Meet, and Sit, and Act, if it see Cause, in a time intermediate between the Sessions of the *Upper*.

And it is to be observ'd, that no Power of Adjournment (if we are able to prove it belongs to us) can so much as be conceiv'd, without the Allowance of one at least of these two Propositions. For to be bound to Rise as soon as their Lordships are Risen, and not to Sit again till their Lordships appoint to Sit, cannot possibly be consistent with a Power of Adjourning In our selves. It is farther observable, that Allowing either of these two Propositions, the other must equally be allow'd, because they mutually infer each other. For a Liberty to continue Sitting After their Lordships are Risen, seems a full proof of a Liberty to Sit

Sit in an Intermediate time: and a Liberty to Begin a Session in an Intermediate time, is a plain Demonstration of a Liberty to Continue Sitting after theyr Lordships are Risen.

This pramis'd, We proceed to the Proof of our Assertions.

And first, In Reason It can never be suppos'd, that a Body of Men, such as the *Lower House of Convocation*, who have by the Establish'd Constitution Proper Business of theyr own to do, and have been Legally Summon'd to have the Opportunity of doing it, and are attendant upon it, have not Power to proceed in it as theyr Occasions require, until, by Prorogation (properly so call'd) they are Discharg'd from it. Much less is it possible to imagine, that They, whose Business is generally different from that which is transacted at the same time in the Upper House, whose Debates are manag'd not only in a Room apart, and among themselves, independently from their Lordships, but by greater Numbers, and are therefore incapable of being Commensurate in Time with the Consultations of the Bishops, should be under so absurd a Confinement, as Never to be permitted to Enter upon Business without first Attending on theyr Lordships Sitting, and to be always bound to Break up immediately upon Notice of theyr Lordship's Rising, without any Regard to the Importance of the Business then before them, or the Progress they have made in it, and without any Liberty to Meet and Finish it in an intermediate time. Which is yet more absurd, in case it be expected as it often is, that the Result of theyr Debates should be ready to be layd before theyr Lordships, at theyr next Session. From

all which it cannot but appear, that In Reason, the Power of Adjourning the Lower House of Convocation, is, and must be in that House it Self. So that if there should be any dubious *Præcedents* that may seem to make against us, yet plain and evident Reason being for us, will govern their meaning in our favour: but if the *Præcedents* be plain too, as to Us they appear; plain and evident Reason joyning with 'em, will give 'em the force of Demonstration.

We doubt not therefore of producing undeniable Proofs, that the Lower House's Exercise of a Power to Adjourn it self, is agreeable to the Ancient Practice. And to make our Proofs more easy and intelligible to the Reader, We shall chuse to Begin with the Convocations in 1640 under *Archbishop Laud*. As well, Because in those two Convocations, and in them only, We have Books of both Houses, *viz.* Intire Acts of the Upper House, and Minutes of the Lower; by comparing of which together, We are best able to explain some Terms and Passages which might otherwise seem obscure: as also, Because it cannot be suppos'd, that under That *Archbishop*, especially considering that his Friend and Favorite, and so knowing a Man as *Dr. Steward* was, then Prolocutor, and that the *Actuary* neither ought nor uses to write down any thing but under the Direction of the Prolocutor, there should any thing be enter'd, even in the Minutes of the Lower House, which either tended to Infringe the just Power of the Archbishop, or was not agreeable to the Style and Practice of former Convocations, whose Acts were All of 'em then in being.

In the Session of November 21. 1640. (See Number IV. in the *Appendix*) It appears by the Acts of the Upper House, that nothing pass'd in that House but a Mere Adjournment, by the Bishop of St. Asaph as the Archbishop's Commissary, in Common Form. But the Minutes of the Lower House inform us, that the same day, notwithstanding the Adjournment of the *Hujusmodi Convocatio* in the Upper House already made, very much business, which could not but take up Several hours, was transacted by the *Domini Prælati & Cleri Domus Inferioris*, who then Adjourn'd Themselves. For if any Man can be so extravagant as to think, that During so long a time, the Bishop of St. Asaph sat Alone in the Upper House, and wayted onely to Adjourn, this can never be allow'd, because the Minutes say expressly that *Domini* (who in all good construction must be the *Domini* before mention'd, and could be no other, no other being then Sitting) *Prorogant ulteriorem Sessionem*. That *Domini* is the common Notarial Term apply'd by Actuaries to those that employ 'em, and that the Actuary, in giving the Inferior Clergy the title of *Prælati* has both Usage and Law too on his Side, is so well known to them that have Any knowledge in these matters, that the mention of it had been needless, and indeed inexcusable, if it had not been occasion'd by the Errors of some that Would be thought the most knowing.

Having mention'd this *material Instance* thus at large, we shall not dwell upon those many other to the same purpose, which occur throughout the Convocations of that Year; but referr You for the chief of 'em to the *Appendix*. See Numb. V. VI. VII.

* See Appendix,
Num. VII.

Only * one we are oblig'd to take notice of, and expressly mention in this place, because it gives an Instance of our Adjourning to an Intermediate time.

† The Letter Writer p. 5. c. 2. Says, That for ought we know, the Bishops might meet between Dec. 19. and Jan. 13. Contrary to their Prorogation; but because the Register (to that time very exact and particular, as He tells us) says no such thing, 'tis much more probable they did not meet, but that we have so many more Instances of intermediate Sessions than the Narrative takes notice of.

|| See Appendix,
N. VIII.

Decemb. † 19. 1640. The Upper House Adjourn'd to the thirteenth of January next; but the Lower, to the twenty third of the same December, on which day, They accordingly met: and though they Then Adjourn'd to Jan. 13. to which the Bishops were Adjourn'd, yet they did it *Sub Protestatione de Revocando Actum prædict. casu quo necesse fuerit interim.* Which kind of Protestation, or Reservation of Power being usual not onely in our Own Synods, but in Foreign Councils having Liberty to determine the Times of their own Sessions, plainly shews, that They who thus Protested, conceiv'd Themselves to have a like full and free Liberty of Appointing their Own time. And shews moreover, that the Adjournment was their own Proper Act; for otherwise it had been ridiculous, to prætend to a Power of Revoking it.

It is no just Exception to this Instance, that this twenty third of December was in the beginning of the Archbishop's Troubles. For (besides that on December 19. the Bishops were Adjourn'd by his Commission, when Himself was in Custody) his Clergy were so far from Attempting to Incroach upon him in his Affliction, that they rather redoubled their Expressions of Duty and Respect to him, for the Sake of his Troubles. However, We have another Instance of Adjourning to an Intermediate time

time (see Numb. IX) and the Archiepiscopal Power and Authority were never greater since the Reformation, and never more unlikely to suffer any Diminution, than they were at the time of this Adjournment.

By this Opportunity of comparing the Books of both Houses, We are let into the true Interpretation of those Acts of the Upper House, in which the *Præsens Convocatio* or the *Hæc Sacra Synodus*, &c. is sayd to be Adjourn'd; and plainly see, the free Power which the Lower exercis'd under *Archbishop Laud*. And it cannot be præsum'd, that such would have been the Practice of the Clergy at That time, and (as once more we must have leave to say) under That *Archbishop*, and Dr. *Steward* Prolocutor, had it not been agreeable to the Practice of All Elder Conventions, whose Intire Acts were Then in being and before them.

And the Reader is now desir'd to take this Observation along with him, to the Acts of the Lower House in 1586. and 1588. where we have no Books of the Upper. It will serve to clear beyond exception the Meaning of some Expressions in those Acts, not wholly secure without it from being misconstru'd, though full and plain enough of themselves, if Impartially consider'd. For example, the many Adjournments of the Lower House express'd there by *Prolocutor Continuavit hujusmodi Convocationem quoad hanc Domum*, must of necessity (allowing this a true Observation) be understood to be such as at first sight they appear, and to have been, of No other kind than those that are express'd by *Domini Continuarunt*, and *Domini Prorogarunt* in 1640. And thus, supposing the House to have had that Power which it plainly appears They then had, the words

Pro-

Prolocutor intimavit must also, in all reasonable Interpretation be constru'd to the same sense; and imply the Consent either Express or Tacit of the House, that they were willing to sit no longer at that time, and not to meet again before the Archbishop's day: especially considering that (as before has been observ'd) the Expression no way derogates from the Power; and that to *Intimate*, does not always imply a Delegated Power; much less must it here needs imply a Deputation by the Archbishop. Thus there can be no reasonable doubt about the true meaning of those two Phrases, by which, most of the Adjournments in the Acts aforesaid are express'd: and the * few remaining Instances in which the Adjournment made in the Upper House was otherwise casually signify'd to some few stragling Members of the Lower, cannot, now we are so well assur'd of the Authority and Power of the Lower House, be any way prejudicial to its Claim; because at those times, it appears upon the Books, that the Lower House was by some chance or other not assembled, and consequently not in a capacity to exercise the Power that belong'd to it.

* See Appendix.
Numb. X.

Now concerning Intermediate Sessions, though We cannot be Positive there were any in these two Convocations; yet we find great Reason to believe that the Lower Clergy were not Then without that Liberty which we know they actually exercis'd in 1640. For † thus far the Practice of the Convocation and the Parliament have Ever agree'd, that Even in those Ancient times when each Assembly made but one House, As the Commons in Parliament, so the Lower Clergy in Convocation, us'd to meet and to consult about theyr Business in the Intervals of theyr Full Parliaments: the Commons sometimes by the King's Direction, sometimes upon His business

† See Appendix.
Numb. XI.

at

at their Own Discretion ; the Clergy sometimes at his Grace's Appointment, and sometimes at their Own Election upon business propos'd by him. || And Why then might not the Lower Clergy Sometimes meet Without his Grace's interposing (as the Commons met without the King's) to prepare their Own Business? which is as truly and properly Convocation-Business as any thing propos'd by the Archbishop? and could no more be transacted without the benefit of Intermediate Meetings than that of the Commons could in Parliament? These Præsumptions, supported by the Known Practice of 1640. which could not Then be first begun, are enough to satisfy any reasonable Man, that the Lower Clergy enjoy'd the Liberty we contend for While the whole Convocation made but one House: And if this be granted, that by afterwards becoming a Distinct House, they became Unqualify'd to Continue their Distinct Meetings, is a thing too absurd to be suppos'd.

|| This we learn, and in this case 'tis All we can expect from the Archbishops Registers; for we know their Rule is to record those Transactions only in which his Grace has some hand.

But after all, and to conclude this Argument, There is a Power, which We find upon our Books has been always exercis'd heretofore, and is not deny'd Us even Now (so essential it is to all Assemblies of this kind) which alone, is a full and sufficient Proof, though We had No other of what We have been hitherto asserting: and that is, the Power of Appointing Committees to Sit and Act in the Intervals of Sessions. For neither could such Committees be Lawful Assemblies if they had not Authority from the House; nor could the House Give such Authority, if it self might not lawfully have assembled at the same time.

The:

The other Branch of our Answer concerns PLACE and about That we should not much dispute if it did not involve our Time.

Now to set this matter in a clear light, We deny not but To whatsoever General Place (as *St. Paul's*, or *Westminster*) the *Præfens Convocatio* is Adjourn'd, the Whole Body may be oblig'd to hold a *Session* in That Place at the Time appointed. Nor do theyr Lordships deny, that In every such General Place, there ought to be assign'd two Particular Places or Distinct Rooms, for the Separate Meeting and Sitting of the two Houses. But theyr Lordships Præ-tend moreover, that the Lower Clergy are of ordinary course First to wayt upon Them in the Upper House, Before they go to Sit in theyr Own: and this Prætence We oppose, as a thing that has neither Reason nor Præcedent to support it.

For first, This Claim added to theyr former serves only to make 'em both more unreasonable. The former allows Us no time for business but what their Lordships shall appoint: This robs us even of the time which they Have appointed; at least of so much of it as theyr Lordships shall think fit to employ otherwise, or spend in Delays before theyr meeting: and at last it may happen, that after We have long wayted in hopes of Sitting, a *Commissary* only may come, to Prorogue farther, and tell us when we may again pay as long attendance to as little purpose.

And as we may from hence conclude, that such an Attendance was never payd, so, that it is absurd to suppose it ever was or could be expected, is manifest from the usual appointments both of Time and Place.

For As to Time, There is not, as (if their Lordships supposition were true) in Reason there should have

have been, a determinate hour fix'd, at which theyr Lordships oblige Themselves to meet, as well as they would Us to attend : But on the contrary, the constant Practice has allow'd a Latitude of some hours, as from 8 to 11, or 9 to 12: of which time, since their Lordships think themselves at liberty to chuse any minute even the very last to Meet in, it would be an unreasonable hardship for Us to Attend and have nothing else to do but to Attend, from the very first. Yet unless We do so, We cannot be in such a readiness to wayt upon theyr Lordships as by virtue of this Claim they expect.

As to Place ; Had such an Attendance been customary, there would have been a customary Room for it ; and the Courtesy of the Constitution would have never left us to wayt among theyr Lordships Footmen. Will it be sayd that We may wayt in theyr Lordships Room? This indeed were more decent, and our being Adjourn'd into *Jerusalem-Chamber* might seem to warrant our *Entry* : but we neither think it Manners to Intrude there, nor do theyr Lordships think fit to admit Us : if they did, We præsume they rather would invite us to take the Advantage of theyr Prayers, than appoint us to wayt without doors to no manner of purpose, but only to be so long hindred from saying of our own. But if it be sayd that We may meet and wayt in our own Room, it may be reply'd, And why not Pray? nay even Consult there too as soon as We are met? For what can be more absurd than to say We have not liberty at That time, to do those things, which, as we have already prov'd, we May do in Any Other space of time, either before or after?

This is spoken of *Ordinary Adjournments* concerning which the Question was first mov'd : and to this Rea-

E

soning

soning, the Præcedents exactly agree, there being no footstep of any such præliminary Attendance in any of the Lords Books, or of our Own. Yet the Acts are very particular and circumstantial in relating whatever is transacted in Either House: even matters of mere Form are never omitted, but enter'd with great Exactness. We never find that the Prolocutor went up to the Upper House, but the time and occasion of his going is punctually set down, together with the number and the names of those that attended him: and therefore that the wayting of the Whole House upon their Lordships, or even of the Prolocutor with some Members in the name of the rest, should have Always been practis'd and Never mention'd, is incredible. Such a Respect, payd with so much Solemnity could not well be unmention'd in Our Own Books: But the constant omission of it in the Books of the Upper House would have been a Neglect so unpardonable, that it cannot be conceiv'd any *Actuary* could be guilty of it, or their Lordships would ever suffer it.

Nor have We only the Silence of All the Acts, but the Voice of many of 'em to allege in our behalf. Those of the Lower House in 1586 and 1588 almost all of 'em conclude with an Adjournment *In hoc loco*, where the Room spoken of could be No other than that in which it was spoken. For if it should be sayd, that the words *In hoc loco* pronounc'd (though by the Prolocutor, yet) out of the Archbishop's Schedule, must needs signify that particular place in which the Archbishop sign'd the Schedule; We reply first, that 'Tis far from being certain, that his Grace's transmitting such a Schedule to the Lower House, is of ancient use: and secondly, Suppose it were, yet the Acts assure us, that the Lower House always understood

derstood that *Locus* to be some Common Place, as *St. Paul's* or *Westminster*, in which the Convocation was to meet ; and in which, They as well as the Upper House had a Room of their Own, to which Room therefore they Adjourn'd : for in that Room they met accordingly at the time to which they were adjourn'd, as plainly appears upon the Register.

This is a full Satisfaction to the Quæstion, and to the Case of the Ordinary *Schedule* which is sign'd in the Upper House, and Adjourns *In hunc locum*.

As for that other which theyr Lordships lately introduc'd, and for some good Reasons We doubt not thought fit again to lay aside, that wherein they expressly nam'd theyr own Room *Jerusalem-Chamber*, in the Body of the *Schedule* ; though it should not, as it does, lye open to the same Exceptions as the former, yet its Novelty and want of Præcedent were a sufficient argument against it. But besides this, the only Use of it that theyr Lordships can prætend, which is to give Notice they would speak with us in the beginning of the next *Session*, is Much better provided for by the Ordinary and Ancient Practice, of sending for us when theyr Lordships are met, if Then they have any thing to Communicate to us.

This particular account of the Nature and Justice of our Claims, long as it is, will We hope be found Useful, and so much to the Reader's satisfaction, as to need no Apology for its having interrupted our Narration, to which it is now time to return.

OUR fifth Session, wherein the Prolocutor deliver'd our Report or Answer to his Grace in the Upper House, was concluded in the same manner that the fourth had been : A *Schedule* being sent us of the same Form with the last, the Adjournment was Intimated as before, to *Jerusalem-Chamber* with a *Salvo Jure*.

Sessio. VI.
Lunæ
Martii
10.

But the next Session, the Schedule of Adjournment was chang'd; and the words *vulgo vocât. Jerusalem-Chamber* being omitted, the *Salvo Jure* was omitted too. The Adjournment was Intimated simply *In hunc locum*, and the House agreed to meet in the Lower House without first going to *Jerusalem-Chamber*.

Sessio VII.
Jovis. Mar-
tii 13.

Being met accordingly at the time to which they were Adjourn'd, the Prolocutor upon a Message from his Grace went up to the Upper House, and return'd with Promise of a Reply to our Answer: but he brought with him a Schedule, wherein the words *vulgo vocât Jerusalem Chamber* were again inserted. It was some surprise to Us, that his Grace and his Brethren should so hastily resume the Form They had seem'd inclin'd to lay aside; but the House considering they were promis'd, that the Lords Reply should be ready by their next Session, whereby the Controversy between the two Houses, would be Then ripe for a regular Determination, consented for the præsent to have theyr Adjournment Intimated as before in the same case *Salvo Jure*, and agreed they would attend as formerly in *Jerusalem-Chamber*, before they began their next Session.

Sessio VIII.
Martis.
Martii 18.

This they did on the *Tuesday* following, and went afterwards to their Own House; where the Prolocutor acquainted 'em, that by reason of some Extraordinary Attendance theyr Lordships were oblig'd to give in Parliament, theyr Reply could not be ready for theyr Own view till *Thursday*, but on *Saturday* this House might expect it. And in the Schedule sent This day the words *vulgo vocât. Jerusalem-Chamber* being again omitted, and never after us'd, the House (as formerly) adjourn'd without a *Salvo Jure*, and never after attended, nor as They conceive were expected in *Jerusalem-Chamber*.

The

The Adjournment of the next Session upon *Thurs-* Seffio IX.
Jovis Mar-
tii 20.
day, was Intimated as this was, for the same Reason.

Upon *Saturday* his Grace Sitting with his Brethren Seffio X.
Sabbati
Martii 22.
in the Upper House, sent for the Prolocutor, and deliver'd to him in Writing the Reply promis'd by their Lordships, together with a Schedule of Adjournment. Which Reply, notwithstanding the great and unexpected length of it, was read in the Lower House the same day, and referr'd to the Committee of Adjournments, and then with the Consent of the House, the Adjournment was Intimated to *Thursday March* the twentyseventh.

IT cannot be expected we should here insert a Copy of their Lordships Papers which make up many sheets; much less a distinct and full Examination of 'em Paragraph by Paragraph, which would take up above as many more. But possibly the Reader may be curious to know at least the Substance of what is contain'd in this Reply, and the Sense of the Lower House upon it. As to Both these therefore we shall try to give him Satisfaction, with the utmost Fidelity, and as Briefly as the Thing will bear.

I. The main Foundation of their Lordships Reply, and the thing They always have recourse to when distress'd by an Objection, is the *Original Right* of the Archbishop, as *Præfident* of the Convocation, whereby he has the *SOLE* Power of Adjournment the *Whole* Body, as he Now pretends to do.

The Original Right and Sole Power of the Archbishop, to Call and Manage, and Prorogue and Dissolve a Convocation at his pleasure, as if *Convocatio sua* meant a Creature of his Own, and Thus to Præside over not only the Inferior Clergy,
but

but even his Brethren and Comprovincials; depriving Them æqually with the other of their Synodical Assemblies; whence it is deriv'd, and how long it has obtain'd, it may concern their *Lordships* as much as *Us* to inquire. If it belong'd to him in his *Legatine* Capacity, We know the date of it: If his *Metropolitcal* be prætended for it, Every one knows under what Restraints it first was; by what steps it rose higher; and by whose Concessions it so Commands. That his Præsidency over his Comprovincials was Founded in the Præcedency of his City: that as the calling of his Brethren was trusted with him upon Extraordinary Occasions, so He was at Ordinary times Oblig'd to meet Them: and that if They were to do nothing of Moment without Him, neither was He licens'd to Act without Them: and that, though great Authority was afterwards vested in him for the Execution of the Canons, yet all he had was committed to him by Agreement, and by that might be Qualify'd and Revok'd. So that we need not be over-curious to inquire the Age of this Absolute Authority, being very well assur'd that it is not Necessarily-inhærent and Perpetual.

And though theyr Lordships are pleas'd to suppose that "*Nothing* was done or enacted at the Reformation, that could any way præjudice his *Grace's* Right; yet they may be pleas'd to remember, that at Our withdrawing Our Obedience from the *Pope*, which was the first Transaction of our Reformation, an *Act of Parliament* pass'd, by reason whereof no Archbishop has thought himself at Liberty since, to *Call* or *Dissolve*, or ever strictly speaking to *Prorogue* a Convocation, but by Virtue of the *King's Writ*.

The

The Archbishop's Power seems Now to be reduc'd to that of *Adjourning only*, and concerning *that only* We dispute: but whether he Now have it in himself Singly, or whether he Ever had it so, it is not Our Business to inquire. For whether the Adjournments were Anciently made in Convocation, with the Suffragans Concurrence, or without it, We have however seen Reason to suppose, that they were no hinderance to the Lower Clergy from meeting together in the Mean time, even then when they made but one House with their Lordships: and much less afterwards, when they came to be Separate and Distinct. This was collected from the Nature of their Business, and from some Intimations even out of their Lordships Books: nor could more Proof be expected from Us, who have no Books of our Own House of that Date to produce.

And though their Lordships take the Liberty to presume, from the mention made in those Early Acts of their Own House of the Archbishop's Adjourning the Convocation, that the Lower House did nothing in the Mean time; this undoubtedly can no more be allow'd them, than it can be that they should Now argue, from the like Recital in the Acts of the Upper House in 1640. that therefore the Lower House had no such Power and Practice, as their Minutes of that time plainly express them to have had. And whereas their Lordships "do not doubt, but what they say of the Original Right of the Archbishop will appear an undeniable truth, when the Extracts out of the Registers of Convocation from 1529. to 1586. shall be brought to light; it will be the much fairer way, to conclude, from such a Power of the
Lower

Lower House, as appears in Our Books to have been exercis'd in 1640. and upwards in 1586. that there was the same Power in the Lower House in Elder times; and that it would undoubtedly have appear'd, had we had theyr Journals.

We might add, that Supposing All this Power of Adjournment to have been in the Archbishop of Old; yet such his Power, as it was once Acquir'd, so it might again be Relinquish'd, and no way præjudice Our Claims, which are founded on Præscription of more than an hundred years since, a Præscription that in Law is sufficient to Affirm a Right.

II. The next Argument theyr Lordships insist on, is theyr Own Interpretation of the Acts in 1586. and 1588. But in the Exposition of these (as throughout theyr whole Reply) it is to be observ'd, that they first pitch upon the Obscurest Expressions, and having Forc'd them to Submit to the Original Right of the Archbishop, They interpret the Plain-er places by 'em quite contrary to the meaning of the Words.

As for instance, Where the Prolocutor is sayd to *Intimate*, the Adjournment of the House, they lay hold on the word *Intimare*, and taking it in its meaner Sense, will have it signify no more than that the Prolocutor Told the House of his Grace's pleasure, without asking Theyrs. Then, by Virtue of this Supposition, when 'tis sayd more clearly that *Prolocutor continuavit hujusmodi Convocationem quoad hanc Domum*, this too they will have to be done by a Special Mandate of the Archbishop, though no such Mandate appear upon the Acts, in which, as Special a Mention of it was to be expected. But because this *Quoad hanc Domum*, so plain, so express, and
fo

so often repeated, seems still to bear hard upon them, they tell Us 'tis a loose and Unaccurate Expression, for which they disparage the Actuary *Edward Say*, of whom, with Submission, We conceive they have No knowledge, and to whom they would have No Exception, if his Acts were not in Our favour. And 'tis only to depress him (as may fairly be suppos'd) that theyr Lordships speak so well of *Barker*, his Fellow-Notary, one æqually unknown to them.

This and all the rest of the Objections under this Head mentioned, He that writ the Letter had the wit or the good luck to Drop. He has done as much by Divers others both before and after, too weak to abide by; and might have deserv'd the Bishops Thanks, if he had not put weaker in theyr stead.

For between the Actuaries themselves, there seems to have been No æmulation, but rather a fair correspondence. For *Barker* having phras'd the Adjournment of the Second Session by *Prolocutor Intimavit*, in the very next Session joyns with *Say*, in styling it, *Prorogavit Convocationem quoad hanc Domum*. This theyr Lordships observe to be the first time that this Expression can be found to have ever been us'd: and Well it may, for 'tis found in the beginning of the very first Book that remains. " They are pleas'd farther to observe, that whereas " the latter part of these Acts of 1586. (wherein the " word *Intimavit* is most commonly us'd) is fairly " transcrib'd, the former (in which this *Quoad hanc* " *Domum* so frequently occurs) is not: Probably, " say theyr Lordships, as being esteem'd Irregular, " and not fit to be transcrib'd by *Barker*, who seems " an accurate Man. But the truth is, the first part is so fairly written, that it needed not to be transcrib'd, and the Other, full of Interlinings, requir'd it. And this appears plainly by the Book it self, the Interlin'd Sheets and the fair Copy being both of 'em bound up together.

F

But

But to put this Matter out of Doubt, to prove this Expression Irregular, and inform us Why this *Quoad hanc Domum* was us'd but seven or eight times, and not to the end of the Book (though so, it was often enough us'd to let us know the Phrases were æquivalent) they bring down a learned Civilian Dr. *Ambrey* into the Lower House, to correct the *Actuaries Style*, and to Adjourn the House: not considering that 'tis certain by the very Acts they appeal to, (See *Appendix*, Numb. XII.) that Dr. *Ambrey* came not at all into the Lower House, but Adjourn'd the *Hujusmodi Convocatio* in the Upper.

As a farther Proof that the Prolocutor Adjourns by a Delegated Power, 'tis observ'd that in these Acts, He is sayd to Pronounce Contumacy *Reservata pænâ*, and to Administer an Oath; which theyr Lordships Suppose he could not do, but by the Archbishop's Mandate. This Supposal ought not to be allow'd, since no such Mandate is mention'd in the Acts, in which a Power Specially Delegated must of necessity have been express'd. Besides that we are well assur'd, that the Prolocutor in both these cases, Has Power by Virtue of his Office: not Reserving in the first Instance the Punishment to himself according to theyr Lordships Construction of *Reservata pænâ*, but Reserving the Punishment for a *Synodical Act*, which the words We conceive will bear as well.

III. In the third place, theyr Lordships come to consider the Journals of the two Convocations in 1640. in which we have Books of both Houses: which compar'd together have (as the Reader may remember) afforded us many an irrefragable Evidence for the Rights we now pretend to. And here, they believe it an advantage to theyr Cause, that

that They have *Registers*, and We but *Minutes*: though we humbly conceive, that *Minutes* are not the less to be credited for theyr being taken upon the Place; nor *Registers* the more, for theyr being fill'd up afterwards upon Memory: and yet 'tis This only Circumstance that gives theyr Lordships an occasion, to prize the *Registers* as Regular and Authentic, and despise the *Minutes* as Loose and Hasty. Trusting too much to Memory is so likely to create Mistakes, that theyr Lordships think fit to object it to the Hasty *Minute-writer*; but whether the Considering *Notary that Extends such Minutes into Acts*, have not more occasion to trust his Memory, we leave it to the Reader to Determine.

To whom also We must refer it, Whether when the Minutes say that the Lower House Adjourn'd it self, the Register contradicts them, by saying that the Archbishop in the Upper House Continu'd the *Præsens Convocatio*? For this in our apprehension

proves rather, What the true meaning of *Præsens Convocatio* is, and that Distinct Adjournments are consistent. But theyr Lordships not only disallow this, but from it take occasion, to arraign the Truth of the *Minutes*, and the Integrity of the *Actuary*. Very harsh Appellatives here and elsewhere they are pleas'd to bestow upon him; they call him, a Loose, Obscure, Scribling, Dashing, Careless, Hasty, Supine,

Convocatio Provincialis Prælatorum & Cleri Cantuariensis Provinciæ, with all the Pomp and Froth of it, can neither Signify any more, nor Operate any further, than the elder and more sensible Expressions of Præsens Convocatio, or Hæc, or Hujusmodi Sacra Synodus. But of this enough has been said already, both in the Narrative and the Præface.

If it be objected, says the Letter, p. 4. 5. that the Præsens Convocatio, or the Hæc Sacra Synodus may fairly be restrained to the Upper House; 'tis reply'd, that Both the Upper and Lower House are distinctly express'd in the Archbishop's Prorogations: Those he means which are in use Now, and which he would insinuate p. 2. always were so. But He might have known if He did not, that the eldest Prorogation in that form, is a great deal younger than King Charles's Restoration; and therefore his Con-

Nameless Writer, making him worse than *Edward Say*. To all which we shall only Reply, that Interlineations and Corrections, always incident to Minutes, and certain indications of *Exactness*, are not Arguments of *Carelessness* and *Inaccuracy*: that Omissions of what *he might have mention'd*, infer not that he Falsify'd in what he *Did mention*: that his Styling the Lower House *Prelati* (against all Usage as They tell us) does not prove his want of Skill and Ability, since Law and Usage are both of 'em on his Side: and that if his Name, which was *Fisher*, were over-look'd by their Lordships, nay if it had not been there, it does not therefore follow that his Book is of No Authority. It plainly appears, that the Book was an Original Minute Book, by the Writer's entring the Presence of those Members that appear'd, and the Fees they payd, and noting the Absent as indebted: it appears, even from the Blots and Dashes of the Pen that are objected to it, which no Man would transcribe or counterfeit. And as for the Writer, His Fidelity ought not to be question'd, who acted as a *sworn Public Notary*; neither can we well doubt of his Ability who was chose by Dr. Steward, and employ'd in two successive Convocations. But besides this, there are living Witnesses of credit, who know his hand, and the writing of these very Minutes to be his hand, who were acquainted with his Person, and give testimony to his Skill and Integrity, for both which his Name is to this Day remember'd in *Doctors-Commons* with respect. And we doubt not but if *Edward Say* too had liv'd within the memory of Man, we might upon inquiry have been able to satisfy the World that their Lordships were as much mistaken in his Character as we find they are in Mr. *Fisher's*.

Out

Out of these Minutes, (where alone we could seek for 'em) we produc'd two Instances of Adjourning to an Intermediate time. We may fairly presume we might have found More, in other Convocations, if the Books of both Houses had been extant to have been compar'd. But two doubtless are enough to prove that which so necessarily follows from our Power of Adjournment, of which we have so Many instances there: and two Differing Sessions in the compass of one year, are as many as could well be expected, when the Concurrent Sessions were so frequent.

Their Lordships to invalidate these Instances, say "*the Date of the first* (see Appendix Numb. IX.) *might be probably set down afterwards upon Memory, or the Actuary might mistake the day appointed in the Archbishop's Commission: either of which they say it is more easy to suppose, than that Contrary to all Usage and Custom, the Lower House sat without the Bishops on Friday, or the Bishops without the Lower House on Saturday.* But, that It has so happen'd that the Lower House met not when the Upper did, we have many instances in the Convocation of 1586: See Appendix, Numb. X. and to say that the Lower House never met when the Upper did not, is to take that for granted which the Scarcity of

The Letter-writer waving these Solutions, patches up a sad long Story (out of Fuller and Heylin too) to falsify the Books of Both Houses, and persuade us that the Clergy were so confounded with the Difficulty of the times, that they knew no more what they did, than he knows what he says. He tells us that the Rabble in May, after having assaulted Lambeth-house, resolved to turn their Fury on the Convocation. True; and the Convocation notwithstanding went on courageously with their business. Ay, but about eight months after they were so astonish'd, that their heads were quite turn'd, and they mistook the thirteenth of January for the three and twentieth of December, and forgot they were to break up School against Christmas. So did some body else against Whitsuntide, and what then? But the Clergy I believe in 40 were aware what they did, as the Reader will find in a very probable account of it; which because it is too long for the Margin, I have put into the End of the Appendix. Numb XVII.

our.

our Books will not allow to be affirm'd; and the contrary to which will be found to have been practis'd afterwards, in the second Convocation in 1640. We hope therefore, it will be more easy to the Reader to suppose that either House Might sit without the other, than in complement to theyr Lordships supposition to charge the Actuary with a double mistake, and to make him write false, not only on the day the Session was appointed, but on that too when it was held.

Against our other instance (see Appendix Numb. VII.) of an intermediate meeting on the twenty third of December appointed on the nineteenth, and which adjourn'd afterwards to the thirteenth of January, it is too, for the same Reason imagin'd, that "the Writer of the Minutes trusted too much to his unhappy Memory, and upon that set down this intermediate day; or else that a Committee might meet that day, and He so Supine and careless throughout not know it from a House. But the Protestation there enter'd in the Adjournment made on the twenty third to the thirteenth of the next month, which reserv'd a Power of reassembling sooner, cannot well have proceeded from his Ignorance or Forgetfulness: On the contrary, it is such a convincing piece of Accuracy on our side, that we wish theyr Lordships when they were considering this Instance * had not happen'd to overlook this part of it.

* The Bishop in their Paper say, 23

eiusdem mensis, Domini continuant usq; ad 13 Jan. is ALL he (the Actuary) says of theyr (the Lower House's) supposed meeting on Dec. 23. The Letter takes Notice of the Protestation; but says 'tis singular: So was the occasion too, but that's not the Point. If there be an instance, though but one of such a Protestation, it is enough to support what the Lower House would build upon it. What that is, see before in the Narrative, p. 20.

As

As farther Instances of the Unaccuracy and Confusion of these Minutes, their Lordships take notice that one, *Nay the very first, of 'em is in English:* and another places the business of *Tuesday Nov. 16.* after that of *Wednesday Nov. 17.* As to the first of these, It is no wonder in Minutes that Part of 'em should be taken in English; and 'tis hard, if an Actuary, who is commonly but an indifferent Latinist, * must be so confin'd to that Language as to Forfeit his Credit if he write in one he better understands. To the second we reply, that a Public Fast having been solemnly kept by the Lower House on *Tuesday*, the Actuary did not that day take Minutes, but enter'd the Observance of the Fast by order of the House the day following. Of this see more *Append. Numb XVII.*

* In our Minutes it is said that May 2d. 1640. the Prolocutor constituted Dr. Bargrave and

Dr. Nevil & eorum alterum, pro se & ejus nomine ——— Votum & Suffragium reddere pro Prorogatione prox. sequent. Which to us seem'd plainly to imply, that the House had a Vote and Suffrage in their Own Adjournments. But their Lordships say it can import no more than a Deputation by the Prolocutor to execute the Archbishop's direction in that particular Continuation. If the Actuary meant to say this in those words, he writ such Latin, that since Dr. Aubrey was not living to Correct his Style, he would have done better to have written, not the first of these Minutes only, but all the rest of them in English.

IV. After the Restoration theyr Lordships allege, and We confess it, that we have but very short Minutes; and We may add that for all that time till 1689. they have not so much. But what We must crave leave to complain of is, that Here again, their Lordship's Pronounce without Proof, that Intimations must be taken in a sense of which We have prov'd they are incapable. And where the Minutes happen to be larger, and 'tis said † the Prolocutor in the Lower House Continu'd the *Præsens Convocatio* in 1677, or the *Hæc sacra Synodus* in 1678, They are pleas'd to say, "These Testimonies

† Who was no less a Man than Dr. Stillingfleet the late Lord Bishop of Worcester; one that (besides his other excellencies so well known) was a skilful Canonist, an able Civilian, and particularly knowing in the Constitution of our Church: so that it cannot be imagin'd that He should have adjourn'd in this Form, were it truly liable to theyr Lordships Exceptions or Interpretations.

are.

“are as good proof of his Adjourning the Upper House
“as the lower. But we humbly conceive, It is far
more easy and natural to interpret these Phrases with
a Restriction *Quoad hanc Domum*, which Restriction
we have prov’d in this case to be necessary. And
had this been done, theyr Lordships would have had
no occasion to quæstion the Authority of these Mi-
nutes, or again to recurr to that Original Right of
the Archbishop, which as yet, they have not prov’d
but suppos’d only.

Why theyr Lordships think fit to mention the
Convocations in 1680, 1681, and 1685, We can-
not readily apprehend. For We can have no light
from what was done in those Convocations (which
for Reasons not disallow’d by the Generality of the
Clergy, were none of ’em form’d into a Body,) to
direct the Adjournment of those that Sit and Act
regularly. And as to what was done in the Year
1689, We conceive that No Argument can be drawn
from so Late Times on either side: especially con-
sidering the Circumstances of that Convocation;
in which the Clergy for known Reasons were so
far from Asserting their Right of Continuing them-
selves, that Not to Sit at That time was rather
theyr Desire.

V. The fifth and last Head of theyr Lordships
Reply concerns the Place of Adjournment. As to
which, We dispute not the Archbishop’s Power of
Calling the Convocation to *St. Pauls*, or *Westmin-
ster*, or *Lambeth*, if the King’s Mandate leave it to
his Grace’s discretion. But in every such General
Place, We find that by the Ancient Practice, the
Lower House are to have *Locum solitum ab Anti-
quo assignatum iisdem, Domum Suam Solitam, Locum
convenientem more solito*, and if such a one be assign’d
Us

Us We shall not complain. It seems not improbable that such an assignation Formerly, was an effect of his Grace's Care in providing for us, rather than a Confinement of us by his Authority. But at present it is certain, that theyr Lordships as well as We, must own We are oblig'd to the Dean and Chapter of *Westminster*, and not to the Archbishop, for the convenient Accommodations that either of us have in that Church.

These that are but Suggestions, and very short ones, and of some few only of those many things that might be urg'd, by way of Rejoynder to theyr Lordships Reply; will suffice to give the Reader some Idea, how unreasonable a Bulk this Controversy must needs have swell'd to, had it been to be manag'd by Exchanging Papers as theyr Lordships design'd, instead of determining it by a free Conference, as We most humbly desir'd.

By what Steps we proceeded in representing this Desire to his Grace, is the next thing the course of our Narration lead us to.

THE Committee to whom the Lords Papers were referr'd, the last Session, *March 22*, having brought in their Report in this next of *March 27* it was heard, and debated Point by Point by the House. And while we were upon the first part of it, the Prolocutor was call'd up; and returning, with a Schedule of Adjournment in his hand, Put it to the House, "Whether, Notwithstanding that Paper, importing an Adjournment, they thought fit to go on in the Business they were about? and upon such Reasons as have been before mention'd, it was carry'd in the Affirmative; one only Member at the first expressing his Dissent by going out, though soon after, he was follow'd by two or three more.

*Sessio XI.
Fovis
Martii
27.*

G

The

The House then proceeded to examin distinctly the several Resolutions contain'd in the Report: and particularly, with a *Nemine Contradicente* assert-ed the Authority of theyr Acts and Minutes. On-ly the Debate of the main Question, *Whether the Lower House have Power to Adjourn it Self?* was referr'd to the next Session, when no one should have any Pratence to excuse his not being præsent.

Then the Adjournment was intimated to *Monday* next, between 8. and 11. the House having first appointed that the same day before they began theyr Session, they would meet at seven in a Com-mittee of the whole House.

*Lunæ
Martii,
31.*

Accordingly, Soon after seven in the Morning on *Monday, March 31.* about forty Members being come together, they chose a Chairman, and de-bated the Question at large, *Whether the Lower House have Power to Adjourn it Self?* And after a free and full Discussion of the whole Matter, It was carry'd in the Affirmative by a great Majority; upon such reasons, as the Reader has before been made acquainted with.

*Seffio XII.
Lunæ
Martii
31.*

About nine the Chairman left the Chair to give way to the Meeting of the House, who thereupon be-gan their Session: and after a Report made of the Sense of the Committee, the Question was put, *Whether the House did Agree to it?* The thir-teen that in the Committee had divided against it, took this Occasion to begin the whole Debate anew: and the once more Proposing and Answering the same Objections that had been Propos'd and An-swer'd Before in the Committee, made it a very long, and much more tedious Debate. At last the House saw it necessary to put the Question to the Vote; and it was carry'd in the Affirmative by 66
against.

against 24, Proxyes on both sides being numbred.

Then the last Resolution of the former Committee, that *They saw no Reason to recede from theyr Report* (the Report made, and presented to the Bishops, in our fifth Session *March 6.*) was agree'd to by the House; Agree'd also, that the Prolocutor attended by some Members, should acquaint his Grace and his Brethren therewith, and in order to a Regular and Speedy Determination of the matters now in Dispute, desire *A Conference* with theyr Lordships.

This being represented by the Prolocutor, his Grace reply'd, that *He and his Brethren expected an Answer to theyr Papers in Writing*: And then he gave the Prolocutor a Schedule of Adjournment to next *Saturday*, adding, "that we should not give credit to any suggestions that our Meetings should be *broken up Abruptly*, though this passage chanc'd to be left out of the Copy of his Grace's Speech, which he afterwards sent the Prolocutor.

No sooner was his Grace's pleasure Reported to the House than they order'd a Committee to draw up such an Answer as would be proper; and then with theyr Consent the Prolocutor Adjourn'd them in the Usual Form.

The Prolocutor the next Session carry'd up at the Desire of the House, theyr Answer in Writing to theyr Lordships Papers, as prepar'd by the Committee; wherein "They excus'd themselves from descending to Particulars, and renew'd their humble Applications for a *Conference*. His Grace as soon as he receiv'd it, order'd the Prolocutor and them that were with him to withdraw; and after they had wayted at the door, about an hour and half, call'd 'em in and told 'em, that *He and his Brethren had read theyr*

Session
XIII.
Sabbati.
Apr. 5.

Paper, and would consider of it; and without any farther answer deliver'd the Prolocutor a Schedule of Adjournment.

The House had Reason to Believe, and accordingly Voted, that *This was not a Satisfactory Answer*: and had they now proceeded to put their Claim in Practice by Adjourning themselves to an Intermediate time; they so doing would have appear'd highly reasonable to All equitable Judges. It must therefore be allow'd, that their Adjourning to the same time with the Upper House, was *Purely out of Respect to their Lordships*, and so it was enter'd in our Minute-Book.

Sessio
XIV.
Martis.
Apr. 8.

But theyr Lordships the next Session return'd this Respect, with what to Us seem'd a very discouraging and ill-tim'd Exercise of their Power. In the last Convocation in 1689, When the Lower House apply'd themselves upon Business at their own Motion to the Bishops, it was the most usual, if not the constant Method to send it up by some of theyr Members without the Prolocutor. In the same Method therefore We proceeded this day, by some, of our Principal Members, humbly to remind theyr Lordships of some Material Papers we had layd before them, and Renew our Applications for a Conference. To which his Grace was pleas'd to Return this Answer, *Doct^r Finch, since the Prolocutor is not with you, I say Nothing.*

To colour this Proceeding, it was soon after given out, and for want of due examination by some Men believ'd, that the Upper House in 1689. had made an Order, that "No Message from the Lower House" should be admitted, except the Prolocutor were one "of them that brought it up; which however was a great Mistake. It is indeed true, as the Reader may find in the *Appendix, Numb. XIII.* that theyr Lordships

ships in the ninth, which was one of the last Sessions of that Convocation, did " Declare They found " upon theyr Books, that heretofore all Messages " from the Lower House had been brought up by " the Prolocutor. This they did upon a Message sent up by the Dean of Christ-Church : but neither was that Message then rejected, nor a second by the same Messenger the same morning. Only 'twas agreed that a Committee of both Houses should meet that evening to inspect the Registers. But the Convocation separating soon after on the 14th, the Committee brought in no Report, nor was any thing Determin'd in this Matter.

Theyr Lordships therefore having rais'd a Doubt which as yet is unresolv'd, it was but reasonable to expect they would permit at least the receiv'd Practice not to be totally laid aside till the Point was clear'd. Admit, the Prolocutor as the *Os & Organum vocis* of the House be in most cases the properest person to report their sense, this does not hinder, but a Message *in Scriptis* such as this was, especially when brought up by a person of the honorable Dr. *Finch's* quality, might be fit to be receiv'd. If the Præcedents over-rule this matter, 'twill become us to submit : but till it shall appear they do, it cannot but look a little hard to require the Prolocutor's attendance upon All Messages ; considering how oft he is call'd up upon other occasions, and that the whole business of the Lower House must stand still during His absence ; and that he may be made to wayt a long while for Audience, as he has done, above an hour at a time, more than once in this Convocation.

Upon this Subject much more might be added, of which the House was not ignorant ; but being more concern'd, and not altogethor out of hopes, to obtain

tain a thing of greater moment, the granting of a *Conference*; they would not interrupt the pursuit of it by entring upon this Dispute, but agree'd that the Prolocutor with a *Salvo Jure*, should carry up that Message to the Upper House, which they would not receive from Dr. *Finch*. Which done, His Grace was pleas'd to call up our whole House; and to cause to be read in our præsence " a Paper by way of " Answer to our repeated Supplications for a *Conference*: wherein he also tax'd us with some few " other things that we had done, which his Grace " and their Lordships pleas'd to say were *Irregular*. The Copy of this Paper will be found in the Appendix, *Numb. XIV*. The Substance both of it, and of the Answer which the House return'd to it in writing we reserve for our Account of our eighteenth Session held on *May 8*. on which day our Answer was deliver'd in to the Upper House.

When the Register had read this Paper, his Grace himself read another very long one which he thought not fit to deliver to Us, or to let Us have a Copy of. " It consisted chiefly of grievous Complaints and vehement Exhortations, for which, we hope there " was no occasion given on Our part; and which if " they could have been read back by the Prolocutor, " would have been their own Answer; but which " plainly shew'd us that We were to despair of their " condescending to allow us our Fundamental Rights. Then immediately he sign'd an Instrument, and commanded the Register to read it to the whole Assembly, whereby, he Adjourn'd the *Præsens Convocatio* for a whole Month to next *May 8*; now Adjourning to so long a day, as upon the account of *Easter*; but in such a manner, as to let us know it might be done At Pleasure.

But

But the Members of the Lower House being well apprised, that the Publishing an Adjournment of the *Præsens Convocatio* in their præsence, did not operate any farther than if they had been absent and inform'd of it any other way (because the *Præsens Convocatio* does not signify the Persons Then and There Præsent, but the Upper House of Convocation then in Being, as before has been shewn) of theyr own accord return'd into theyr own House, those only excepted who had all along dissented from the Majority. The Prolocutor then standing at the side of the Table, ask'd *Whether they look'd upon themselves as Adjourn'd or Not?* They unanimously answer'd *They did Not*, and Desir'd him to take the Chair. Then, after some short Deliberation what was fit to be done, Adjourn'd till nine the next Morning,

At which time we accordingly met: and resuming the consideration of our præsent Circumstances, thought it proper to appoint a Committee to draw up an *Account of the Proceedings of the Lower House*, as far as they relate to the Dispute about *Adjournments*, together with the *Reasons* of them for the satisfaction of the Clergy of this Province: and then We again adjourn'd to an intermediate time, viz. to the 5th of *May*: On which day We met, and read as much of this *Narrative* as was then prepar'd. And though there occur'd to us several other things which might at that time have conveniently been transacted, yet we purposely declin'd doing more than was absolutely necessary; Foreseeing that theyr Lordships would except against Every thing, how reasonable soever, that was done in Intermediate Sessions, and Desiring as much as was possible to cut off all occasion of Offence: For which

*Sessio XV.
Merc. April 9.*

*Sessio XVI.
Lune
May 5.*

which reasons only, and not for want of business, We had forborn to meet on Intermediate days, till we found our selves oblig'd so to meet, for Asserting and Præserving of our Right. This day
Ses. XVII. We Adjourn'd to next *Wednesday, May 7*: And ha-
Merc. ving Then met, and read what farther was præ-
Maii 7. par'd of these Papers, We Adjourn'd to *May 8.* the day their Lordships were to meet on.

Ses. XVIII. We open'd this Session *May 8.* with reading two,
Fovis very large and full Answers to two Papers which
Maii 8. We had receiv'd from his Grace when we wayted on him last in the Upper House.

IN the former, which has been already mention'd, and is transcrib'd in the *Appendix Numb XIV.* The first thing remarkable, is the Bishops taking theyr Just share in that Power, which in theyr former Papers they had vested in the Archbishop Solely: which his Grace allowing, may seem to have acted in prejudice of his præsent Claim against Us: it being more easy to be granted, that He that heretofore could Call, Prorogue, and Dissolve a Convocation by himself, might Adjourn likewise, and still continue so to do by his Own Sole Power, than that any new Authority should accrew to him by acting in conjunction with the Bishops. But Truth prævail'd, and the Mistake was rectify'd; and its being so was owing, We præsume, to a fresh inspection and more careful searh of the Registers, which their Lordships here acquaint Us they have made; and which they lay as the Foundation of these four following Objections against our Proceedings.

1. That We appointed a Committe of the whole House.
2. That We gave leave to Members to be absent.
3. That

3. That instead of answering theyr Papers in writing, We desir'd and insisted on a Conference.

4. That We mention a Recess which either House might make during the approaching Festival of *Easter*. All which things they declare against as Altogether New and Irregular.

To these Objections We reply'd to this effect.

To the first, That Appointing a Committee of the whole House, is a thing so agreeable to the Nature and Practice of All Assemblies, that tho' it were acknowledg'd to be New in Us, yet it ought not to be call'd Irregular. There is no need of Præcedent where the Reason of the thing is manifest. Neither is it the Number of the Persons that distinguishes a House from a Committee; but theyr different Power, and different Manner of Debating: and it may so happen that at one time there may meet in a Committee a greater Number than will serve to make a House at another. Besides that by theyr Lordships own Concessions, we have liberty to appoint Committees of any Indeterminate number Within the Whole: and if they allow us this, What shew of Reason can they offer us against a Committee of the Whole House?

To the second, That We deny not that his Grace has, but We must add that We have likewise, a Power of demanding the Attendance of Our Members. If therefore, either the Archbishop or the Lower House give a leave of Absence, it is of course to be interpreted, so far only as the Claim of them that give it is concern'd. So that the Member is not Perfectly at liberty without Leave from both: nay, nor with it neither, If the King who call'd the Convocation together, shall

H

com-

command (as He sometimes has done) that no Member shall depart without his express License. But the Power of the Lower House to Admit or Deny Proxies, which has been always exercis'd, and never disputed, What else is it but a Power of Giving or Denying Leave to be absent?

To the third, That (as before has been observ'd) It would have been unreasonable, and contrary to all Practice to Spin out this Dispute, by Interchanging voluminous Answers, Replies and Rejoynders: but a Conference We humbly conceive is not only the speediest, but the truest and most regular way of Determining a Controversy, when brought to such a head as Ours was. 'Tis the very way that the Law chalks out to Us. The Complainants Claim being fairly declar'd, and Issue joyn'd by the Defendant's Answer, and Evidence given on both sides (and so far was proceeded in this case) the Cause comes Regularly to a Summary Hearing, in order to Judgment. The Success of this Method we experienc'd but the last Convocation in 1689, in a Conference demanded by the Bishops: wherein the Prolocutor in a very short speech gave their Lordships and the whole Company so full satisfaction, that it put an end to the Dispute. Yet theyr Lordships are pleas'd to say that *the Consequence of that Conference does by no means incourage the doing of the like Now.* But the Reasons for which 'tis probable they incline to believe so, perhaps it may not be so proper for us to suggest, as 'tis easie for a certain Great Prælate to remember.

To the fourth, That Knowing theyr Lordships had design'd a Recess at *Easter*, we could not imagine they would construe it as a piece of Disrespect, that We should design to make the like. Our Power to do

do so, is what we have been all along asserting. And this, which theyr Lordships call *the greatest attempt of Innovating upon the Constitution of the Convocation, A Claim altogether New and Never heard of before, without any Prætence of Law or Usage to support it*, is so far from being so, that Had we been admitted to the Conference we desir'd, it would in probability have appear'd that theyr Lordships had either overlook'd, or not sufficiently consider'd the Act of Sess. 11. 1586. where we find the Prolocutor Adjourning the Lower House from Dec. 2, to Feb. 17. *prox.* during the Festival of *Christmas* then approaching. At least we should have hop'd to satisfie their Lordships, that 'twas no such Crime, no such great Irregularity, that at this time We payd theyr Lordships greater Deference, than our Prædecessors payd the Upper House in 1640. For then, the Bishops Adjourning from *December* the nineteenth, to the thirteenth of *January* (*for the sake of Christmas no doubt*, as theyr Lordships observe in theyr Rep'y) the Lower House took the Liberty of Adjourning to the twenty third of *December*, an Intermediate day; and thought it time enough to Adjourn then, to the thirteenth of *January* following.

THE other Paper which we gave in the same May 8, concern'd our Complaint, against a detestable book call'd *Christianity not Mystrious*, writ by *Toland*; which Complaint had layn before theyr Lordships, ever since our ninth Session *March* the 20th.

In that Session, the Committee for inspecting Books lately publish'd against the Truth of Christianity had Reported, " That upon Theyr perusal of
" the aforesayd book it was Resolv'd, *Nemine Con-*
" *traditente*, That in theyr Judgment, the Book was
" writ with a Design to subvert the Fundamental
" Articles of the Christian Faith; there being in it
" divers

“ divers Principles and Positions that manifestly tend
 “ to that purpose: some of which Positions they
 “ transcrib’d, in a Schedule they annex’d to their
 “ Report. That therefore, some speedy course should
 “ be taken, and That in particular, an humble Re-
 “ præsentation of the Præmisses should be layd be-
 “ fore the Bishops, praying Their Concurrence with
 “ these Resolutions, together with Their Advice and
 “ Directions, What effectual course may be taken to
 “ suppress this, and all such pernicious books already
 “ written, and to prævent the publication of the
 “ like for the future. This Proposal the House agreed
 to; and the Prolocutor by their direction deliver’d
 the Report to their Lordships together with the Book
 it self *March 20.*

* See it in
 Appendix
 Numb.
 XV.

Next *April 8*, we receiv’d in writing *The Answer of
 the Archbishop and Bishops to this Representation.* * In
 which Answer, their Lordships only tell us, “ That
 “ Having consulted able Lawyers concerning Here-
 “ tical, Impious and Immoral Books, and this of
 “ *Toland* in particular, They find not, How they
 “ can *Censure* any such books *Judicially*, without
 “ the King’s Licence which They have not yet re-
 “ ceiv’d: but on the contrary are advis’d, that by so
 “ doing both Houses of Convocation may incur the
 “ Penalties of the Statute of 25 *H. 8.*

That this by no means is an Answer to what We
 offer’d, will be evident to any man that considers it.
 For We were as far from proposing to their Lord-
 ships to *Censure the Book Judicially*, as we were from
 præsuming So to censure it our Selves. We only re-
 præsented our Opinion, and pray’d their Lordships
 to give it countenance by Their Concurrence, and to
 Advise and Direct us, what course might be taken by
 us to Procure the Suppressing that Book that we had
 layd

layd before them, and Providing that no more such books might be publish'd hereafter. For which purposes, we could have suggested divers other Expedients besides a *Judicial Censure* of the Book, if we had not thought it more dutiful, and more becoming Us, to submit the finding'em to theyr Lordships Wisdom. But had a *Judicial Censure* been desir'd: though some eminent Lawyers were against it, there are others, perhaps as eminent, who are of a contrary opinion. And if a License from his Majesty were absolutely necessary, We præsume theyr Lordships might without much difficulty have obtain'd one; and the Cause was worthy theyr Endeavour. And to this or much the same purpose was the second Paper this day read.

BOTH these Papers were approv'd of in a full house, and carry'd up by the Prolocutor, accompany'd by some of his Assessors.

By mistake it seems of the Door-keeper it was some time before his Grace had notice of our Attending; but then he sent us word by the Register We should *Speedily* be admitted; and *about three quarters of an hour after*, We were call'd in. His Grace then prevented the Prolocutor's Application, by telling him *He must first say something to him*: And immediately he read a Paper, declaring " All the Proceedings of our Intermediate Sessions Void and Null, and of Dangerous " Consequence, both to our Selves and to the Clergy " whom we repræsented; and that We cannot therefore expect He should receive any thing from any " of Those meetings. The Prolocutor reply'd, that " *What he had Now to offer was the Act of this day*: Then his Grace receiv'd it, and layd it on the Table, and order'd the Company of the Lower House to withdraw.

After

After wayting about an hour longer, the Prolocutor with those that attended him was again call'd in, and receiv'd a Schedule, whereby the Lords had adjourn'd themselves to *Fryday May 16*: with an Offer of theyr Lordships, for a Committee of five of Them to joyn with ten of Us, to inspect the *Acts* of this Convocation in both Houses. But considering that such an Inspection could be no way useful to compose the præsent Difference, but manifestly tended to find out Matter for a new Dispute of another kind; for these and other reasons, (which the Reader will find recited in the account of our 26th Session) when the Offer came to be debated, the House declin'd it. And because the Upper House was not then Sitting, having risen as soon as they had sent us this Proposal, We agreed, that some Members specially deputed should wayt upon his Grace and the five Bishops that were nam'd for the Committee, humbly to represent to theyr Lordships the Sense of the House, and to prævent theyr Meeting in expectation of Us, when they could not be attended by Us.

Some of the deputed Members, though they willingly undertook the delivery of this Message, yet, desir'd to be excus'd from giving an Account of it in an Intermediate Session, which they found the House inclin'd to appoint. To which the Prolocutor reply'd, that " They might however
 " do it, and time enough, on the day to which
 " theyr Lordships had Adjourn'd, which he often
 " had occasion to tell 'em was *the Sixteenth*. A particularity which the Reader will be pleas'd to pardon here, because hereafter he will find it necessary: and for the same reason, give us leave to tell him, that Before this, another Member desir-

ing

ing the Archbishop's Schedule should be read, and the reading of it being oppos'd by divers Members of the House, the Prolocutor told him *He might read it if he pleas'd himself, and see the day:* but he still insisting that he *ought to be Told* to what day the Bishops were adjourn'd, the Prolocutor told him openly, *To the Sixteenth*, whereupon he went out. These things done, the House agreed to meet between nine and twelve the next Morning, and the Prolocutor Adjourn'd accordingly.

The two next Sessions, which were both on Intermediate days, nothing pass'd that related to our Main Dispute. Friday, *May* the 16th was the day to which his Grace had Adjourn'd. And it therefore seem'd the more strange to us, that of all those Members who had hitherto dissented from us, One only should appear to pay Obedience to that Authority which all of 'em had so warmly asserted. But the Reason why the rest were absent, which was then a Secret, came to be discover'd and examin'd afterwards, and shall be accounted for, in its proper place.

*Ses. XIX.
Veneris
Maii 9.
Ses. XX.
Merc.
Maii. 14.
Ses. XXI.
Veneris
Maii. 16.*

The same day there was a Motion made, and in part debated, concerning the late *Exposition of the 39 Articles by the Bishop of Sarum*. And while we were upon this Subject, the Register of the Upper House, without Leave ask'd or so much as Notice given, came abruptly into the House, and in a low Voice told some at the lower end, that "he came to acquaint 'em, *Not as a House* " *but as private persons*, that the Bishops had adjourn'd to the thirtieth. This he sayd in great disorder, and having done so, in as great haste and confusion went away. So very unexpected and unaccountable a Message was it seems occasion'd

sion'd by a misinformation which theyr Lordships had receiv'd concerning our Adjournment on *May 8.* Which as soon as we came to understand, we endeavour'd to recollect as minutely as we could what Then pass'd; and found that all things had been so transacted, as in the foregoing Papers they have been related.

Ses. XXII. Being satisfy'd as to this matter, and believing it too late now to enter upon any other buinels, we adjourn'd to *May 22.* an Intermediate day. On which day we appointed a Committee to draw up an humble but earnest Address to the Upper House, pressing theyr Lordships to put some speedy end to the present Difference between the two Houses.

S. XXIII. This was prepar'd and read the next Session, and recommitted, in order to have been pass'd by the whole House, and presented to theyr Lordships on the day of their next Session, *May 30,* to which We likewise then Adjourn'd. But the Difficultyes thrown in our way from this day forward to the day of our Prorogation by the King, partly, by those of our own House who labour'd to disturb our Proceedings, but chiefly by the Bishops, who endeavour'd, what in them lay, to cut off all Communication between the two Houses, were the cause that this Address, as well as some other Papers prepar'd to be layd before theyr Lordships, never came to be presented.

S. XXIV. The Notice that the Upper House, *May* the sixteenth, had Adjourn'd to the thirtieth (on which day we likewise held a Session) though given by the Bishops Register in so obscure and indecent a manner as before has been related, was however readily comply'd with by all those Members, who
upon

upon pretended want of Intimation had absented themselves from that of *May* the sixteenth, of which sufficient notice had been given by the Prolocutor. We soon found they came prepar'd to give the House some Diversion, in order (as We conceive) to stop the prosecution of the business this day appointed, till the Bishops should be risen. To this end, when the Minutes of the last Session came of course to be read, they excepted to the reading of 'em, because that last had been an Intermediate Session: and this Contrivance not succeeding, they Protested against all Intermediate Sessions, and demanded the Entry of their Protestation. The House thought fit to Refuse it, and would not so much as suffer their Refusal to be Register'd *as Yet*; resolving to dispatch their other more material business, before they would take this trifle into consideration. Whereupon the Protesters drew up and presented to the Bishops a short Paper of complaint, with their Names subscrib'd to it, which Paper (to repair our not entering their Protestation in the Minutes of the House) we shall put in the *Appendix*, Numb. XVI.

When this Affair was over, We went upon the business of the day; and an Humble Representation of the Sense of the Lower House concerning my Lord of *Sarum's* Exposition of the thirty nine Articles was brought in, by the Committee thereunto appointed, and was to this effect.

That Whereas the Author of that Book declares it to have pass'd the perusal of both the Archbishops, and several Bishops and other learned Divines, and suggests their Approbation of it: and whereas the Lower House of Convocation conceive it their Duty, what in them lies, to se-

cure the Doctrines contain'd in those Articles from any attempts that may be made against them: and whereas it is *Theyr* Opinion,

1. That the said Book tends to introduce such a Latitude and Diversity of Opinions as the Articles were fram'd to avoyd;

2. That there are many Passages in the Exposition of several Articles which appear to Us to be contrary to the true meaning of Them, and to other receiv'd Doctrines of our Church;

3. That there are some things in the sayd Book which seem to us to be of dangerous Consequence to the Church of *England* as by Law establish'd, and to derogate from the Honour of its Reformation:

All these Particulars We humbly lay before Your Lordships, Praying *Your* Opinion therein.

The Reader will be pleas'd to remember, that this Exposition had been taken notice of in our twenty first Session, *May* 16. and though our Debates concerning it were at that time interrupted, yet in that and the subsequent Sessions, many remarkable Passages in that Book were distinctly consider'd; many particular Doctrines, which either in themselves, or their Consequence, or sometimes in both seem'd obnoxious, were debated. And besides that Divers of our Members had read the Book with care, and made their Observations upon it soon after it was publish'd; Divers others had been put in mind by theyr Brethren, when they came to Repræsent 'em in Convocation, that the Doctrine and especially the Artifice of that Book had given great Offence, and deserv'd to be solemnly complain'd of. Upon which accounts our Debates
being

being partly prævented and partly shortned, this Repræsentation made its way into the Upper House much sooner than by some was expected.

The two first Articles of it had been debated and agree'd to in former Sessions : and after no long debate upon the third this day, the whole Paper was approv'd, and order'd to be carry'd up immediately by the Prolocutor, the whole House attending him.

As soon as we came into the Upper House his Grace accosted us to this effect : " If You have any thing to offer, We cannot receive it, till the late Irregularity of refusing to meet the Committee of the Bishops to inspect the *Acts* of both Houses in this Convocation, be set right.

This late (suppos'd) Irregularity was incurr'd so lately as three weeks before on *May* 8. and no Notice had been taken of it to Us, in the next ensuing Session *May* 16. So that it look'd a little oddly that it should be Now started, when it justly might be thought to have another aim than a Care for Regularity. Sure it was for some More cogent Reason that 'twas made a Crime so enormous, as to force his Grace upon the Exercise of a Power which it will be difficult to Justify, by cutting of all Communication between the two Houses.

His Grace when he had signify'd to us this severe Resolution, commanding us to *withdraw for a moment*, We took that Opportunity to return to our own House, and draw up in writing a second Repræsentation, to be read to theyr Lordships by the Prolocutor, in these words. " The Paper that the Lower House order'd me to præsent to Your Grace and Your Lordships, was Theyr humble Repræsentation, concerning a book intitl'd *An Exposition of the*

“ 39 *Articles of the Church of England*; and had no
 “ relation to the *suppos'd Irregularity* Your Grace and
 “ Your Lordships think fit to complain of. *Of that*
 “ *they are ready to give Your Lordships satisfaction when*
 “ *thereunto call'd.* And in the mean time, most hum-
 “ bly repeat theyr Request, That Your Grace and
 “ Your Lordships will be pleas'd to receive the sayd
 “ Paper.

The Prolocutor and the House soon return'd, and attended at the door of the Upper House; and His Grace and his Brethren being pleas'd soon after to admit 'em, the Prolocutor read the Paper he had brought along with him: which done, they were order'd to withdraw. And after some small stay being again call'd in, his Grace told 'em that “ *He, that*
 “ *is He and his Brethren* (for so he explain'd himself)
 “ could not depart from theyr Resolution to receive
 “ nothing from the Lower House, till the late Irre-
 “ gularity theyr Lordships had complain'd of were
 “ set right. After this he enlarg'd upon the Forward-
 “ ness and the great Zeal of himself and his Brethren
 “ for the good of the Church, and how glad they
 “ would have been to have shewn it more particular-
 “ ly in the case of *Toland*, but that there had been
 “ several *Obstructions* and *Stumbling-blocks* laid in the
 “ way. Which expressions being several times repeated, oblig'd the Prolocutor to reply, that *We hop'd*
 “ *the Stumbling-blocks were not of our laying*: and so we retir'd, as we were directed.

This day, the Upper House adjourn'd to *June 6.* within two days of *Whitsuntide*: theyr Lordships either not remembring or thinking it needless to insist upon the Observation they had made in theyr Reply, that “ A Session within two days of *Christmas*, would
 “ have been against the Convocation's usual regard
 “ to

" to that Festival. The Adjournment of the Lower House was Intimated *Quoad hanc Domum* to an intermediate day.

Against which day *June 5*, the Persons thereunto deputed by the House having præpar'd This Account of theyr Proceedings to *May 30. Exclusive*, the Whole was read from the beginning, and approv'd unanimously as a Faithful Report of what had been Transacted by us, and a Just Repræsentation of the Grounds and Reasons of our Acting. After this was introduc'd a Paper by way of Answer to the Late Charge of Irregularity brought against us by the Upper House; Then, Adjourn'd to tomorrow, the day appointed by theyr Lordships.

Sessio
XXV. Jo-
vis Junii 5.

The same Paper was again read over in a Full House *June 6.* and order'd to be immediately carry'd up to the Upper House.

Sessio
XXVI.
Veneris.
Junii 6.

The Substance of it was as follows.

That We of the Lower House being a distinct House, and having Power to Dissent from the Proposals of the Upper House, conceive our selves intirely at liberty to Admit or Decline Theyr Appointments of Committees as We shall think fit. That in this case particularly, We conceive, the only Regular way of theyr Lordships knowing the Transactions of our House, is by our own Voluntary laying 'em before theyr Lordships. And That if they demand the View of our Journals as of Right, We have the more Reason to insist upon this Liberty.

That since theyr Lordships neither mention, any Particular Acts they would inspect, nor assign, any particular Reason for such inspection, We could see no ground for such a Committee, nor could we give Instructions for the Management of the Matter to be consider'd by it.

That

That we might add, that it Were not unreasonable to expect that theyr Lordships should first restore to Us the Journals of the Lower House they detain from us (which have been requested by us, and of Right (we conceive) belong to us) before they require the Inspection of our present Proceedings.

That notwithstanding this, the Duty and Respect We owe theyr Lordships, would have prevail'd with us, to comply with their Proposal, had it not been introduc'd by such a discouraging Declaration as That Whatever we had done as a House, in Intermediate Sessions, was (in theyr Lordships Opinion) of dangerous consequence, not to our Selves only, but to the Clergy of the Province whom We represent.

That these are some of the Reasons, which under Those circumstances, and at That time mov'd us to decline the Appointment of any such Committee; which, if we had had the opportunity that might have been given us of presenting 'em, We presume would have suffic'd to clear us in theyr Lordships opinion from any Irregularity, and prevented their proceeding immediately to any Sentence against us, though theyr Lordships Had conceiv'd they had Power so to do.

But we cannot forbear to represent to theyr Lordships, that Had we been Duly found guilty of any Irregularity in this Matter, yet theyr Lordships Sentence, cutting of all Intercourse and Correspondence between the two Houses, is not only Over-severe, being pass'd upon so small an occasion, but Destroys the whole Design, and the very Being of a Convocation.

That We hope therefore theyr Lordships will be induc'd by these Reasons, to lay aside this their Resolution; and to restore the Regular and Customary

mary Communication between the two Houses.

When this Paper came to be tender'd in the Upper House, his Grace prevented the delivery of it with a Speech; wherein " he again tax'd us with
" the late Irregularity, reminded us of theyr Lordships Resolution to receive nothing from us till
" that Irregularity were set right, and complain'd
" of our breaking in upon that Resolution, by offering a Paper the last Session concerning my
" Lord of *Sarum*. But concluded, that Notwithstanding all this, theyr Lordships at the earnest
" desire of that Bishop were content, with a *Salvo Jure* to receive what we had to say against his
" Book.

This piece of Condescension though now no more than was necessary, was however more than We expected; and therefore the Prolocutor had not brought that Paper along with him. But theyr Lordships seeming now as Eager to receive it as they had seem'd hitherto Sollicitous to avoyd it, the Prolocutor was order'd to fetch it up immediately. And as it were to cut off all appearance of inclining to delay him, theyr Lordships receiv'd without any Scruple the Paper which he Now tender'd them concerning the late Irregularity. Which Paper by the way we must observe, we have cause to believe gave their Lordships Full Satisfaction: For the Consideration of it was referr'd to a Committee of theyr Lordships; but it neither has receiv'd any Answer, nor has that Irregularity been objected to us ever since.

But the Paper relating to my Lord of *Sarum*'s Exposition was not yet so fortunate as in all appearance it was like to be. For his Grace was pleas'd to close with an Objection that my Lord
of

of *Sarum* made against it, telling us " the Charge
 " was Too General, and that he expected such
 " *Specialtyes* (*Specialtyes, so I call 'em* sayd his Grace)
 " as had been before given in the case of *Toland*.
 Pursuant therefore to his Grace's expectation, the
 Committee who had drawn up the former Paper
 were appointed to præpare such *Specialtyes* as his
 Grace requir'd, against the next Session *June* the
 thirteenth, the day to which the upper House
 then Adjourn'd.

It is here to be remember'd that as before in
 the case of *Toland*, so now in my Lord of *Salis-*
bury's, the Lower House did not supplicate that
 the Book should Solemnly be *Censur'd* or that any
 Judicial or Synodical Act should pass upon it.
 They only humbly pray'd the Opinion of the Bi-
 shops concerning the Particulars layd before them:
 wherein theyr chief aim for the præsent was to
 know, Whether the aforesaid Exposition had been
 so Perus'd and Approv'd of by theyr Lordships as
 the Præface of it seem'd to insinuate. When the
 Committee therefore were to come to *Specialtyes*,
 they conceiv'd it sufficient for the Justification of
 the Opinion and Prayer of the Lower House, to
 name some remarkable Subjects, and referr to the
 pages of the Book, in which the Discourses upon
 those Subjects were no less remarkable, without ei-
 ther Reasoning or passing any Judgment upon 'em;
 but leaving it wholly to their Lordships to give
 us Theyr Opinion of 'em, if they so thought fit.
 Seventeen such places they referr'd to: nor (con-
 sidering the Weight of the Matter, and the short-
 ness of the Warning) could more Instances at that
 time be expected from them; especially since These
 were to be offer'd as an Earnest only of very ma-
 ny

ny more, which should within convenient time be collected and exhibited to theyr Lordships.

By what (whether Arts or) Accidents the Paper of Specialtyes thus drawn up, miss'd of being given in to the Upper House will appear hereafter: We must now relate some Specialtyes of another kind. Of which if it be sayd that they are foreign to the Main Design of these Papers, and therefore might have been omitted: We must answer, that the Matter having not only taken air, but also been unfairly represented, We are forc'd in this way to do Justice to our injur'd Prolocutor: the proper reparation which might have been more privately made him, having hitherto with a high hand, as We conceive, been refus'd him.

A M O N G the things transacted in our twenty-fourth Session, One, as the Reader cannot but remember was, Our drawing up a short Paper concerning my Lord of *Sarum's* Exposition, and a late Irregularity objected to Us, of which Paper we have there given a Copy. Before We were admitted to præsent it, the Upper House thought fit to sound Us, whether we came with a design to Set right the late Irregularity as they call'd it; for till that were done they had declar'd they would receive nothing from Us. To this end they deputed the Bishop of *Bangor*, and gave him his Instructions in writing, as We afterwards came to Understand. While the Prolocutor therefore and the House that attended him were wayting at the Upper-House-door for admittance, my Lord of *Bangor* came out to 'em; and without giving any Intimation of his being Sent, and Instructed what to say, Apply'd as of himself to the Prolocutor, remembred him of what his Grace had

K

declar'd

declar'd that morning, and inquir'd Whether what he had brought with him (for he saw a Paper in his hand) were concerning the late Irregularity? For otherwise it would not be receiv'd. To which the Prolocutor reply'd, "*It was* concerning it, there "*was Something* in it concerning the Irregularity. And when the Bishop press'd farther to know the whole Message, the Prolocutor answer'd, "The House has "*order'd* me to deliver it to his Grace and theyr Lordships and I cannot drop it at the Door. After this Discourse had pass'd, in the hearing as it happen'd of many Witnesses, the Bishop of *Bangor* went in; and the Prolocutor being with his Company soon after admitted, deliver'd his Message to theyr Lordships.

It appear'd that the very mention of the Representation concerning my Lord of *Sarum's* Exposition, though without any manner of Remark, was very ungrateful; and that it made so much Impression on some of theyr Lordships, that they took no notice of what was sayd concerning the Irregularity: and that the Bishop of *Bangor*, to shelter himself, as was suppos'd, from Displeasure for any Mistake he might have made in his Errand, took the liberty to tell theyr Lordships that the Prolocutor had told him *a Lye*: and afterwards had his Complaint enter'd in the Journal of this Session, in these words (though not altogether so gross yet too Reflecting) that the Prolocutor had *Prevaricated* with him

These particulars indeed were not Then known to us, though afterwards we came to be acquainted with 'em: but between this *May 30*, and theyr Lordships next Session *June 6*, Reports were diligently spread about the Town, that the Prolocutor had told the
Bishop

Bishop of Bangor a Lye. These Reports the Prolocutor heard of and despis'd 'em: but being inform'd on June 6, in the morning, that his coming into the Upper House with an Untruth, was Recorded against him in writing, and enter'd in the Journal, he thought he was oblig'd now to Vindicate himself, from a Slander design'd to be perpetual.

The same morning, as he was going to present the long Paper before-mention'd pag. 61. which was writ expressly to Set right the suppos'd Irregularity, the whole House attending him; in his way he had the fortune to meet with the Bishop of Bangor, putting on his Habit in the Ante-Room to Jerusalem-Chamber. So he took that opportunity in the head of his Company, most of whom were acquainted with the Report, to ask his Lordship Whether he had been pleas'd to say in the Upper House that the Prolocutor had Ly'd to him? The Bishop reply'd in some disorder, that He had not sayd he Ly'd, but that he Did say, or Might say (for so he would have it afterwards) that he had told him a very great Untruth. Upon which the Prolocutor sayd, that when he had the honour of being admitted by theyr Lordships, he should make his Complaint.

Accordingly, when we were call'd in, and when his Grace (as before has been related) had call'd for what we had to say about the Bishop of Sarum's Exposition, and had condescended to receive our Paper concerning the suppos'd Irregularity, the Prolocutor took occasion to make his Complaint, that the Bishop of Bangor had misrepresented him to theyr Lordships, and as he had heard in very gross Language, and to acquaint 'em with the Truth of the matter, as several Witnesses he had there were ready to aver it. My Lord of Bangor

again deny'd that he had us'd the word *Lye*; but Justify'd the Imputation of an *Untruth*, affirming that the Prolocutor had sayd to him that his Message was to Set right the Irregularity. whereas it was about another Matter. This, though Our Company knew it to be a Mistake, yet some at the Table seem'd to think it would be plain on his Lordship's side, if they could but have a Sight again of the Message, and grew very earnest to have that Paper. So the Prolocutor was order'd to go and fetch it, with that about the Bishop of *Sarum*.

When he return'd, and with the same Company, the Paper about my Lord of *Sarum*'s Exposition was first call'd for; and the Prolocutor tendring it was order'd to read it, which he did, and deliver'd it to his Grace. Then my Lord of *Bangor* beginning with the Account of what had pass'd between Him and the Prolocutor after His manner, and the Prolocutor repeating what he sayd, and appealing to the Testimony of those that had been by, whose Names he read, and who stood behind him; at last the Paper of the Message so much call'd for, was read by the Prolocutor; and it plainly appear'd not only that there was *Something* in it concerning the so often mention'd Irregularity and the Setting it right, but As much as Could then be offer'd by Us in this Matter. To the no small Amazement of some who before had been very Positive that there was not one Word concerning it in the Prolocutor's Message; and were now so difficult to believe it was the same Paper, that it was necessary for some of our Company to offer theyr Oaths, that they knew it, as they very well did, to be the same Numerical Paper.

Upon

Upon this, when the Upper House seem'd to be satisfy'd, and the Bishop of Bangor himself to give up his Accusation, there remain'd but one thing for the Prolocutor to inquire after: which was, Whether theyr Lordships had enter'd upon theyr Acts any such Reflexion upon him? To this the Archbishop reply'd that They had *No Acts, but only Minutes*; which was strange to Us, to whom the Irregularity at that very time objected, was a Refusal to inspect the *Acts* of both Houses this præsent Convocation. Then the Prolocutor desiring farther to know * Whether any * *At that thing to that Purpose were enter'd in those Minutes?* *very time, and the Archbishop not returning an Answer imme-* *at is since known,* *there was* *upon the Minutes* *(if they are to be styl'd so, a formall complaint enter'd a-* *gainst the Prolocutor in these words;* *Episco-* *pus Ban-* *gor que-* *relatus est con-* *tra Prolo-* *cutorem prout in schedulâ manu suâ pro-* *priâ sub-* *scriptâ* *continetur, viz. I ask'd Dr. Hooper whether the message he had now to bring in,* *was to set the Irregularity complain'd of right? He told me once it was something* *in order to set it right; and then recollecting sayd, it was concerning that Irregu-* *larity, but that he was to deliver his Message to his Grace, and must not drop it at* *the*

the door: when he was call'd in, it appear'd that his message was not to set the Irregularity right, but concerning another matter, which I have reason to complain of, that Dr. Hooper prævaricated in this matter.

A Plaint of this nature enter'd up against the Prolocutor in perpetuum rei memoriam, without any notice given him to know what he had to say for himself, seems itself to be a little Irregular, if that expression may be borrow'd by one of the Inferiour Clergy. But when upon notice from other hands he desir'd to be inform'd concerning the particulars of it, Then to conceal it from him was more unaccountable, except only upon this supposition, (which the Prolocutor may be willing enough to allow) that then upon the bearing of both sides it was design'd to be withdrawn. But seeing that design took no effect, and on the contrary the Minutes with the Plaint in them are now lodg'd in the Registers Office, where the charge of Prævarication is publicly to be seen, and may be presum'd by its remaining uncancell'd after such an open Hearing to have been therefore judg'd good by their Lordships; The Appeal now of necessity lyes to the Reader, and he is desir'd a little to consider the Injustice of the Accusation.

When Dr. Hooper is accus'd here of Prævarication, it must be intended that he indirectly and fraudulently either asserted something false to the Bishop, or conceal'd some truth it was his duty to tell him: but in neither of these branches will Dr. H. appear to be guilty even by my Lords own shewing.

And for the first, the Reader may be pleas'd to observe that his Lordship founds his conclusion wrong; inferring that the Prolocutor had prævaricated from the words he is confess'd to have corrected, those of setting the Irregularity right; and not from those others said upon Recollection that the Message might have made mention enough of the Irregularity, and yet had little in it towards setting it right. These words therefore only the Prolocutor was in strictness bound to Justify against his Lordship, and it is evident there was no untruth in them. For he did not say the Message was concerning the Irregularity only; and concerning the Irregularity it manifestly was: for it affirm'd these two things, that it was Foreign to the Business propos'd, and that we were ready in due time to give satisfaction concerning it; and besides what else was in that short message, was nothing but what was necessary either as an explication or a consequence of the first Assertion. For the specification of the Book Represented thò unacceptable to some of their Lordships was necessary to shew that the refus'd Representation had no guilt of the Irregularity upon it, and the Prayer that follow'd was but a necessary consequence to that Position, that because the Irregularity had no connexion with the Representation it should therefore be no hindrance to the Receiving of it.

So might Dr. Hooper vindicate his veracity, praying the benefit of his acknowledg'd Recollection and Insisting on those last words mention'd in the Plaint: But if he had not at all recollected himself, and had said nothing more but that the message was something to set the Irregularity right, he could not even then have been accus'd of saying any thing contrary to Truth: for the offer there made of Satisfaction about the Irregularity was apparently and directly in order to set it Right, and all that was sayd besides was certainly something in order to set it right and not of another Matter. For as afterwards the answer expressly given in concerning the Irregularity, must be own'd to have set it right enough if it prov'd it to be none; so for the mean time in this present message, one proper way of setting it right was to set it aside, and to pray it might not interpose where it had nothing to do.

In that answer therefore of Dr. Hooper reported by the Bishop there appears no Untruth; and neither is there any undue concealment of Truth in it. For as he was not bound to impart the whole of his Message to my Lord, but had rather fail'd in his Duty to the Lower House had he done it; so neither did he pretend to be so very communicative to his Lordship: and in both these points one would think he express'd himself plainly enough to the Bishop when he told him, as the words lye in his Lordship's Narrative, That he was to deliver his Message to his Grace and must not drop it at the door.

A very indifferent attention to the Message the Doctor deliver'd when he was let in, would have clear'd the discourse which pass'd without doors, even as the Bishop relates it, from any prevarication. But now if we take this short conference as the Prolocutor remember'd it, and as it was offer'd to be justify'd by the testimony of no less than eight Reverend Persons who were present, it is still much less liable to that course construction. For from the Prolocutor's saying first that his Message was concerning the Irregularity, and then afterwards upon Recollection that there was something concerning it, or as Dr. Bulkley at the same time spoke, that it was partly concerning it: his Lordship had but small ground to conclude that there was nothing more in it; and when he press'd farther and would have known the whole, and had this for answer that the Message was not to be deliver'd there: he ought certainly to have understood that the Prolocutor declin'd to explain it fully to him, and referr'd himself to the proper place.

The Reader may think this Circumstantial Vindication of the Prolocutor unnecessary; and that the comparing of the Message and the Complaint might have been safely left to an Ordinary understanding. But by that reason the Complaint ought never to have been made, or at least after a full discussion set aside. For this Impertinence therefore the World it is hop'd will rather find fault with the Accusation than with the Defence, as it will find no difficulty to decide who has had most reason to turn Complainant, Dr. Hooper or My Lord Bishop of Bangor.

When We return'd to the House, and what had pass'd was Reported, it was mov'd "that the House
" should Resent the Indignity offer'd to theyr Prolo-
" cutor in the Execution of his Office, and Return him
" the Thanks of the Whole House, for his great Con-
" duct in the Faithful and Decent Discharge of his Of-
" fice upon all Occasions. Both these offers He with his
Usual Modesty declin'd; and as to the former over-
rul'd the House: but could not hinder us from return-
ing our Thanks to him, *Nemine Contradicente*.

THIS day's Proceedings in the Upper House did not seem to promise that theyr Lordships would easily or quickly shew the Lower any Favour: but it happen'd on the quite contrary that they treated

us the same day, in a manner altogether new and most obliging. For as soon as theyr Parliamentary Duty requir'd their Attendance, they sent us Notice by theyr Register, desiring withal to know of us, *Whether we had any thing in readyness to Offer to 'em before they Adjourn'd?* The House receiv'd this Message with incredible Satisfaction, and returning theyr most solemn Thanks for so great a condescension; humbly begg'd theyr Patience till theyr next Meeting; for then, the Papers we design'd to lay before 'em should be ready for theyr view.

S XXVII. *Veneris*
Junii 13. June the thirteenth was the day appointed by both Houses to hold theyr next Session; and the Paper of *Specialtyes* in my Lord of *Sarum's* Exposition was then, according to Order brought into the Lower House, and after some small time spent in the Reading and Examining of it was approv'd: but we had not this day an opportunity of præsenting it to theyr Lordships. For the business of the Parliament requiring We præsume at This time more than ordinary Dispatch, theyr Lordships were oblig'd to Adjourn something Earlier than Usual, and had not time to give us such notice of it as they had done the last Session. That neither theyr Lordships therefore, nor our selves might again be so unhappily disappointed, it was Order'd that The next Session, after Prayers, this Paper should be carry'd up immediately, before we enter'd upon any other business.

The like Order was made about another Paper read and approv'd the same day. Of which Paper and the business that occasion'd it, We shall Now acquit our selves of our Promise to give an Account.

IN our twenty first Session *May* 16, where we have already taken notice of the unexpected Ab-

fence

fence of divers of our Members, one of 'em, Dr. *Verney*, without giving any notice to the House, went alone to the *Jerusalem-Chamber*, and presented an *Address* in his own Name, and Subscrib'd only by himself; but pretending that he was *Impower'd* by others, to complain against the Prolocutor and the Lower House.

This Address (a Copy whereof shall be presented to the Reader by and by) was receiv'd by his Grace, and mention of it was enter'd in the Journal of the Upper House, and it was afterwards Subscrib'd by twelve other of our Members. Of which the House having receiv'd information, the honourable Person who presented it was question'd concerning it the next time he appear'd in the House *May 30*; and what He, and other of the Subscribers, ten of whom were then present, thought fit to offer in Defence of theyr Proceeding was patiently heard and answer'd. The Debate was pretty long; and it ended in Dr. *Verney's* obtaining a true Copy of his Paper from the Archbishop, and delivering it to the House, who appointed a Committee to consider it.

June 6, the Committee brought in theyr Report; which the House agreed to with some small Amendment. Then an honourable Member of the Committee produc'd *another Address* in answer to Dr. *Verney's*, prepar'd to be presented to the Upper House, if this House should think fit. This Address was read immediately, and approv'd by the House; and order'd to be carry'd up by the Prolocutor the next Session (which was this of *June 13*.) because the Upper House was risen, and theyr Lordships were gone to Parliament, before our Other business gave us leave to enter upon This.

L.

Dr. Verney

Dr. *Verney* desir'd, that He might have a Copy of the Report made by the Committee; but the House thought not fit to allow him one, till after theyr Address should be præsented. How it happen'd that it was not præsented this Session has already been related.

Dr. Verney's Address to the Archbishop.

May it please your Grace.

I Am empower'd by several Members of the Lower House of Convocation, humbly to præsent an Address to Your Grace, that You would be pleas'd not to interpret theyr Absence this day from theyr Attendance in *Henry* the Seventh's Chappel, as any the least disrespect of Your Grace's Prorogation of the Convocation, to which we shall, as we are by Law and Conscience bound, always pay due Obedience, and which we do apprehend was to this day. And the Reason upon which we præsume to Absent our selves is, Because Your Grace's last Prorogation was not Intimated to the Lower House of Convocation by the Prolocutor: whereupon We humbly conceive that Should we meet this day, and concurr in any Convocational Act, by Virtue of any other Prorogation than what issues from Your Grace, We should involve our selves in a Practice which we utterly disavow; and which we apprehend would be of dangerous Consequence to the Church of *England*, and the Rights of the Convocation of Your Grace's Province of *Canterbury*. And I farther humbly beseech Your Grace, to permit such of our Members of the Lower House of Convocation as shall desire it, "leave to subscribe theyr Names to this Address; "to which in all Humility and Sincerity I do subscribe my own Name this 16th. day of *May*, 1701.

Geo.

Geo. Verney Proc. Dioces. Linc.

Will. Stanley,

Sam. Freeman,

C. Trimmell,

William Sherlock,

William Beverege,

Tho. Littel,

Jo. Whitefoot,

Jo. Jeffreys,

Giles Pooley,

William Hayley,

Jo. Evans,

Rich. Bowchier.

Our Address by way of Answer to this Paper, spoke to this effect.

THat if there had been No formal notice given of theyr Lordships Adjournment, yet if the Lower House had known of it by any Other way, and Met accordingly, they would have been Legally Met, to all intents and purposes of a Convocational Assembly. That this appears by the Practice in 1586. and That the Addressers themselves without allowing it, cannot justify theyr Præsence with us on the thirtieth; the notice of which days Meeting was not Formally given so much as to the Prolocutor, But was only obscurely signify'd to some few Members, and to them too, only as to Private Men.

That the Objection hinted at in the Address, of the Lower House's Meeting in an Intermediate time, and then receiving notice of this Adjournment, is impertinent: Since it cannot be sayd or thought, that an Assembly once Lawfully appointed can become Not Lawful by the Summons to it being repeated in an Assembly esteem'd Not so Lawful. And if either theyr Lordships, or the Addressers themselves thought otherwise, How came both of 'em to own our last Meeting on the thirtieth, as a Lawful Meeting?

That if all this be true, the Addressers, instead of troubling theyr Lordships with Their Fears and

Jealousies, should have rather apprehended their want of Duty and Obedience to his Grace's Prorogation, of which they were not ignorant.

For if they pretend Ignorance, First, their own Paper if it does not Confess, Betrays the contrary: for it says *They apprehended that to be the day*; and that *they presum'd to Absent themselves*. In the next place Those of 'em that fram'd the Paper against that day, and especially He that brought it to their Lordships Sitting, were not ignorant. Thirdly, Such of the Subscribers as were in the House upon May 8. (for some were not) had they stay'd, as they ought, till the Proposal made to us by his Grace was consider'd, would have had sufficient notice. For Fourthly, 'Tis certain Dr. *Verney* and Dr. *Trimnel* had. Dr. *Verney* especially must allow he had it Authentically, who was present at the publishing of it in the Upper House by his Grace's command. And therefore Fifthly, He was able to inform Dr. *Sherlock* and Dr. *Beveridge*, who complain they had no notice In the House on a day when they never came To the House: And They when they empower'd Dr. *Verney* to Address in their Names, had a proper opportunity of being inform'd by him.

That these things consider'd, 'twill appear that Our meeting on the sixteenth was Dutyful and Regular: and that The affected deliberate Absence of the Addressers was Irregular; and contrary to their Duty both to their Lordships and to Us.

That farther, should this Address when 'twas presented have had the Advantage which it had not, of the Hands and the Attendance of All that afterwards subscrib'd it; yet for a Few Members to prefer a Clandestine complaint against an exceeding great Majority of the House, without giving any Reason, or
so

so much as Notice of their Dissatisfaction, was a great Offence against the Respect due from Them to theyr Brethren. And that The separation of a Part, so inconsiderable in respect of them they divided from, especially when made upon such slight and insufficient Reasons, was Disorderly, and Destructive of our Constitution, and at This time of very Pernicious consequence, as tending to increase the Misunderstanding between the two Houses.

That in particular, That honorable Person who Prætending Others had Impower'd him, but Exhibiting no such Power, Præsented an Address sign'd only by himself, in which he pray'd Liberty in general for others to subscribe, who might Not be of the number prætended to Impower him; not only did an Action most injurious to the House he belongs to, but too much præsum'd upon theyr Lordships: as constituting himself a Public person, and without sufficient warrant Repræsenting others before theyr Lordships; whereas he knew that theyr Lordships had not yet allow'd the Lower House it self a liberty of bringing any thing before them but by the Prolocutor.

For all which Reasons it was humbly propos'd to theyr Lordships Wisdom and Justice, either to Take off the memorial of the sayd Address from theyr Register, or to suffer this our Vindication and Complaint to be likewise Inserted in it.

JUNE the twentyeth, the day of our next Session, when Prayers were ended, the whole House immediately wayted on the Prolocutor to the Upper House, to præsent the Paper of *Specialties* which his Grace had requir'd; and with it, the newly-mention'd *Address* of the Lower House in answer to that of Dr. Verney.

We

Sessio
XXVIII
Veneris
Junii 20.

We were not apprehensive that any thing would hinder their Reception, having Reason (as has been shewn) to believe, that the late suppos'd Irregularity, the only pretended Obstacle to a Communication between the two Houses was set right. We had no Jealousy that 'twas possible Dr. *Kerney* might have stronger Reasons for Addressing than those he own'd; or that the Reparation due to Us for that Injury would by any means be Delay'd; at a time especially when to Delay was in effect to Deny it, the Prorogation of the Parliament being ev'ry day expected. And the freer We were from all suspicion of being once more disappointed, the more we were astonish'd when his Grace now told us, "that He and
 " his Brethren would receive Nothing from Us, but
 " what related to the Bishop of *Salisbury's* Specialties,
 " and that at his request, till the matter relating to the
 " **ADJOURNMENTS** were adjusted. What could induce him at This time to make This Declaration, We præsume not to Determine. We shall rather chuse to leave the Reader (who by this time is sufficiently instructed) to make his own Judgment upon this day's Proceedings.

Sessio
 XXIX.
 Merc. Junii
 25.

On *Tuesday June 24*, the Parliament was Prorogu'd. And the Convocation likewise on the day following, to which both Houses had Adjourn'd, was by virtue of his Majesty's Writ Prorogu'd in the Upper House to the seventh day of *August* next, by the Bishop of *Norwich* as the Archbishops Commissary.



F I N I S.

APPENDIX.

ADVERTISEMENT.

THe Reader is desired to take Notice that the following Acts were copyed from Extracts taken at the beginning of this Convocation, when divers Circumstances of this Controversy were not foreseen; and yet we doubt not but that they are exactly transcribed, as to the Substance and Foundation upon which our Arguments are built; but if there should happen to be any Variation from the Originals in matters of less Moment and Consideration, it is to be imputed to our want of Opportunity to Correct these Extracts by comparing them with the Books belonging to the Lower House whilst this Narrative was drawing: At which time these Books were wrongfully detained from Us; and though we caused them to be timely demanded at the Office of the Upper House We could not obtain them.



APPENDIX.

NUMB. I.

IN Dei Nomine Amen. Nos Richardus permissione di-
vina Petriburgensis Episcopus, Reverendissimi in Chri-
sto Patris ac Domini, Domini Thomæ Providentia Divi-
na Cantuariensis Archiepiscopi, totius Angliæ Primatis
& Metropolitani, præsentis sacre Synodi sive Convocatio-
nis Prælatorum & Cleri Cantuariensis Provinciæ Præsi-
dentis sive Locumtenentis Commissarius sive Substitu-
tus sufficienter & legitime Deputatus, rite procedentes, ean-
dem sacram Synodum sive Convocationem alias usq; ad &
in hos diem horas & locum Continuatam & Prorogam,
nec non omnia & singula Certificatoria hætenus intro-
ducta, & introducenda, & non introducta, in eodem statu
quo nunc sunt, usq; ad & in diem Martis, vigesimum
quintum diem instantis mensis Februarii, inter horas octa-
vam & undecimam antemeridianas ejusdem diei, ad & in
Cameram quandam superiorem, communiter vocatam Je-
rusalem Chamber, ad Decanatum Westmonasteriensem spe-
ctantem, una cum ulteriori Continuatione & Prorogatione
dierum & locorum, si oporteat in ea parte fiendis, Conti-
nuamus & Prorogamus in hiis scriptis.

Rich. Petriburg.

N U M B. II.

Ex Instru-
mento in
Officio Do-
mus Infe-
rioris.

IN Dei Nomine Amen. Nos Thomas Providentia Divina Cantuariensis Archiepiscopus, totius Anglia Primas & Metropolitanus, rite & legitime procedentes, presentem sacram Synodum sive Convocationem Prælatorum & Cleri nostra Cantuariensis Provincia, usq; ad & in hos diem horas & locum Continuatam & Prorogatam, nec non omnia & singula Certificatoria, hætenus introducta, & introducenda, & non introducta, in eodem statu quo nunc sunt, ad & in diem Veneris, vicesimum octavum diem instantis mensis Februarii, inter horas octavam & undecimam ante meridiem ejusdem diei, in hunc locum, una cum ulteriori Continuatione & Prorogatione dierum ex tunc sequentium, & locorum, si oporteat, in ea parte fiendis, Continuamus & Prorogamus in hiis scriptis.

Tho. Cantuar.

Lecta fuit hæc Shedula in
Camera vocat. Jerusa-
lem-Chamber 25 die
Febr. 1700 per Domi-
num Archiepiscopum
præsente Tho. Tyllott.
N. P.



N U M B. III.

IN Ecclesiastical Courts, the Word *Intimare* is commonly a word of Authority in him that uses it. And often in the Language of Councils, it is in this case the known Term of the Superior, in whom the Power is vested. An Instance of the Popes so using it we meet with, in the Acts of the Council of Con-
stance

The Appendix.

III

stance in these words. *Cum Sanctissimus Dominus noster Dominus Johannes Divina Providentia Papa 23. --- indixerit iterum Generale Concilium hujusmodi, celebrandum in hac civitate Constant. Prov. Mogunt. in prox. Cal. Nov. inchoand. --- INTIMAT de eorundem Fratrum Concilio, quod initiabit dictum futurum Constantiense Concilium Die Sabb. de mane prox. futur. --- Dat. Cal. Novembr.*

N U M B. IV.

Second Convocation in 1640. Sess. 4. Nov. 21.

IN this Session, there was nothing transacted in the Upper House but only a Prorogation by the Bishop of St. Asaph in these words. *Prorogando & Continuando hujusmodi Convocationem in statu quo nunc est, usq; ad & in diem Mercurii (Nov. 25.) inter horas secundam & quartam post meridiem, ad hunc locum.*

But in the Lower House Book we find it thus :

Nov. 21. Coram DOMINIS PRÆLATIS ET CLERIS DOMUS INFERIORIS CONVOCATIONIS, Comparuerunt Magistri Hurst Tuckney & Palmer, in quorum presentiis, post Suffragia in ea parte facta Declararunt & Ordinaverunt, That the Final Decision of the Choice of Proctors for Lincoln Diocesis should be suspended, till the second Session after this. Et tunc, Tuckney & Palmer allegarunt se habuisse nonnullos Testes --- in Oppido, &c. & petierunt eos admitti. Unde concepta allegatione ex eorum ore, dicti Tuckney & Palmer produxerunt Testes, qui ad statim voluntarie fuerunt examinati, & eorum Examinationes in Scriptis fuerunt re-

IV

The Appendix.

daſtæ, prout, &c. TUNC DOMINI PROROGARUNT ULTERIOREM SESSIONEM, uſq; ad & in diem Merc. prox. inter horas 2 & 4 poſt Merid.

N U M B. V.

First Convocation in 1640. Seſſ. 7. Maii 2.

Nothing tranſacted in the Upper Houſe, but only a Prorogation (*ut ſupra*) to Tueſday May 5. *Ad hunc locum inter horas 2 & 4 poſt merid.*

In the Lower Houſe Book, thus.

Die Sabb. May 2. 1640. Dominis Prolocutor apud ejus ades in Weſtm. Me præſente conſtituit & ordinavit Doctorem Bargrave & Doctorem Nevil, & eorum alterum, conjunctim & diviſim, PRO SE, ET EJUS NOMINE pro hac Seſſione, ad legendum preces in Domo Inferiori, & VOTUM ET SUFFRAGIUM SUUM REDDERE. PRO PROROGATIONE prox. ſequent. &c. Et facta Declaratione Conſtitutionis hujusmodi Clero Domus Inferioris, Cleri eandem approbârunt & Conſentierunt. Et tunc DOMINI CONTINUARUNT ET PROROGARUNT ulteriorem Seſſionem uſq; ad & in diem Martis prox. inter horas 2 & 4 poſt merid.

N U M B. VI.

Second Convocation in 1640. Seſſ. 3. Nov. 14.

The Upper Houſe Book runs thus.

S*Abb. Nov. 14. Reverendiſſimus Continuavit & Prorogavit, &c. uſq; ad & in diem Sabb. 21. inſtant. &c.*
At

The Appendix.

V

At the same time, the Lower House Book says thus.

Nov. 14. Comparuit Tuckney & alii, & post maturam deliberationem, &c. Dominus continuavit ulteriorem determinationem hujus materie die Sabb. prox. 21. jam instant. Ad quem diem DOMINI CONTINUARUNT ulteriorem Sessionem, &c. Et Statuerunt, &c.

So likewise *Sess. 5. Nov. 25. Domini Prorogarunt Sess. usq; ad & in diem Sabb. predict. inter horas predict.*

Sess. 8. Dec. 5. Quibus, &c. Domini prorogarunt usq; ad 9. Dec.

Sess. 9. Dec. 9. Post preces, &c. Domini continuarunt usq; ad 12. ejusdem mensis.

Sess. 10. Dec. 12. Domini prorogarunt usq; ad 16.

Sess. 11. Dec. 16. Domini prorogarunt usq; ad 19. ejusdem mensis.

N U M B. VII.

Second Convocation in 1640. Sess. 12. Dec. 19.

Nothing transacted in the Upper House besides a formal Prorogation (*ut supra Num. V.*) to *Wednesday 13. Jan. prox.*

In the Lower House Book we find it thus.

Dec. 19. Post preces, &c. DOMINI CONTINUARUNT usq; ad 23. ejusdem mensis.

*Dec. 23. predict (on which day the Lower House Sate accordingly, but the upper having been Pro-
rogu'd to Jan. 13. Sate not at all,) DOMINI CONTINUARUNT USQ; AD XIII. JAN. PROX. SUB PROTESTATIONE DE REVOCANDO ACTUM PRÆDICT. CASU QUO NECESSE FUERIT INTERIM.*

N U M B.

N U M B. VIII.

Ninth Session of the Council of Trent.

Sacrosancta & Oecumenica Synodus Sessionem —
 ad diem Jovis infra 8. Pentecostes prox. futur —
 Differt ac Prorogat. Hoc tamen adjecto quod Terminum
 ipsum ipsa Sancta Synodus pro ejus arbitrio ac voluntate,
 sicuti Rebus Concilii putaverit expedire, etiam in priva-
 ta Congregatione, Restringere & Imminuere possit &
 valeat.

So likewise in the Tenth, and in the Twentieth
 Session.

In the Convocations of Queen Mary's Reign, this
 Power was often reserv'd, as appears by the Ex-
 tracts so much valu'd in the Bishops Reply. E. G.

*Convocatio Sede Vacante A. D. 1554. Sess. 4. Quo
 die Presidens Episcopus London. Continuavit hanc Sy-
 nodum in statu quo nunc est, usq; in diem Veneris, viz.
 7. Decemb. futur. & in quemlibet diem citra super in-
 timationem.*

Convocation under Cardinal Pool, A. D. 1557.
*Sess. 3. Quo die Veneris, viz. 28. Jan. Episcopus Lon-
 don Commissar — monuit — Praelatos Inferioris
 Domus — Deinde dictus Locumtenens Ex assensu Pa-
 trum Continuavit usq; ad diem Veneris 4. Feb. ad hunc
 locum: & in quemlibet diem citra (si Reverendissimo vi-
 debitur) legitima citatione & admonitione Patribus &
 Clero primo indicandum, &c.*

Same Convocation, Sess. 8. Quo die & hora in
 Manerio Reverendissimi apud Lambhith — Continua-
 vit in diem Merc. viz. 16. Feb. prox. hora 2. post merid.

Ad

Ad Domum Capitularem D. Pauli London. Et in quemlibet diem citra si opus fuerit, *monitione tamen legitima Patribus & Clero primo monuitq; omnes--- ad interessendum, &c.*

Accordingly, Sess. 9. Die Luna, viz. 14. Feb. (two days earlier than Adjourn'd to) hora 2. post merid. Prædictus Episcopus Commissar. & Locum-tenens cum Confratribus, de mandato Reverendissimi intimatione legitima eis facta, Evocavit Prolocutorem & Clerum, &c. Whence (by the way) it is observable, that Though the last Adjournment made in the Upper House, were to the Chapter-House at Pauls expresly, Yet the Lower House this Session met not there, but in some other Room, from whence they were Evocati by the Præfident.

Again, Sess. 16. Quo die Veneris 4. Martii prædict. Locum-tenens continuavit in diem Mercurii & in quemlibet diem citra. And accordingly,

Sess. 17. Quo die Martis — habita prius Intimatione legitima Patribus & Clero dictus Reverendissimus, &c.

So likewise in King Henry the Eighth's time, in a Convocation held Sede Vacante in 1532. Sess. 10. Quo die, Continuavit rursus in diem Veneris, viz. 28. mensis Martii, & ad diem Mercurii nunc proximum, Casu quo interim Episcopis, Prælati, Prolocutori & Clero Intimatio in ea parte facta fuerit.

N U M B. IX.

First Convocation in 1640. Sess. 8. 9.

In the Acts of the Upper House.

M Art. May 5. Dominus Sarum Commissarius Pro- rogavit & Continuavit, &c. usq; ad & in diem Sabb. 9. viz. diem instantis mensis Maii, &c.

Sabb.

VIII.

The Appendix.

Sabb. Maii 9. Dominus Sarum Commissarius Hujusmodi Convocationem, &c. usq; ad & in diem Merc. 13. Maii, &c. Continuavit & Prorogavit.

In the Minutes of the Lower House.

Mart. Maii 5. Dominus Prolocutor constituit (ut supra Num. V.) & tunc Prorogata fuit Sessio usq; ad & in diem Veneris prox. viz. 8. diem mensis Maii.

Die Veneris predict. Prorogata fuit Sessio usq; ad diem Merc. prox. sequent, viz. 13. diem Maii, &c.

N U M B. X.

Convocation in 1586. Second Part.

NO Prolocutor Luna 6. Martii, &c. Quibus, &c. comparuerunt Magistri D. Powel, Say, Gilpin, West, & Maxfeild hujus domus, quibus intimatum fuit hujusmodi Convocationem de mandato & voluntate Reverendissimi, &c. esse continuand—— prout revera Continuada fuit, unde postea discesserunt——

No Prolocutor Merc. 8. Mart. &c. Quibus, &c. comparuerunt M^ri Marston, Say, Bynam, Dilworth, Studley, Barret, & Maxfeild ex Cætu Inferioris Domus, & eo quod satis bene norunt hujusmodi Conv. esse continuat. in diem, &c. post aliqualem moram discesserunt.

No Prolocutor Sabb. 11. Mart. &c. Quibus, &c. Comparuerunt M^ri Stallard, West Owens & Proctor, quibus significat. fuit hujusmodi Conv. esse continuand—— de mandato Reverendissimi, &c. prout revera continuata fuit per M^{rs} Lucam Gilpin, sufficienter & legitime in ea parte deputatum; unde mox, supranominati ex cætu Inferioris Domus discesserunt.

No

No Prolocutor *Merc. 15. Mart. &c. Quibus, &c. comparuerunt M^r Bynam (and 13. more) quibus intimat. fuit hujusmodi Conv. fore de mandato Reverendissimi continuand. — prout revera de certa scientia Mei, Notarii antedicti, postea sic continuata fuit, unde mox omnes supranominati discesserunt.*

N U M B. XI.

AS to Intermediate Meetings, It is well known What the Practice of the Parliament was in Elder Times. When the Several Estates were assembled in Full Parliament, and receiv'd the King's Commands concerning the Business which they were to Consider, and were Adjourn'd by him to another day of Full Parliament, in which they were to meet and give theyr Answer; the Clergy, and Lords and Commons consulted in the mean time Separately; sometimes by expresse Direction, and at other times Voluntarily: and these Intermediate Meetings were as well made use of for other Business, and which of theyr own Motion they were to propose.

Instances of this are not necessary: but one may be seen, among the Records in the *Appendix* to a late Book call'd *Essays concerning the Ballance of Power, &c.* and is this. 6. *Edw. III.* Part 3. N. 1. On *Tuesday* in Full Parliament the King charg'd the Prælates, Earls, Barons, and other Great Men, and the Knights of the Shires, and the Commons, that having Regard to the Honour and Profit of his Realm — they should give him theyr Counsel — The which Prælates with the Clergy By Themselves, and the Earls and Barons By Them-

C

selves,

selves, and the Knights and Others of the Countyes, and the Commons By Themselves, treated and consulted till *Friday* next (the day assign'd for the next Session) and then in Full Parliament Each By Themselves, and afterwards All in common Answer'd.

The like Intermediate Meetings were held by the severall States (if we may so speak) of Convocation, between the Sessions assign'd by the Archbishop, which were the days as it were of Full Convocation. The Instances we have to produce, are such as Private Extracts would afford us, or what Dr. *Hody* has communicated: For the Registers themselves since this Dispute has been started, have been taken from the Office to *Lambeth-House*, and are not to perus'd, without more Trouble to his Grace's Domesticks, than any private person's Curiosity would allow him to give.

In the Convocation which Dr. *Hody* gives us intire, held in the same King's Reign, *A. D.* 1369. the Archbishop after having propos'd the King's Desire to his Brethren the Bishops, the Religious, and the [Secular] Clergy, desires them to withdraw, the severall States by themselves, and to Deliberate, and to bring their Resolutions the next day, [the next general Session] which they did. *Rogavit Religiosos, quod se insimul traherent ad aliquam partem Ecclesiæ prædictæ, & Clerum suæ Diocess. & Provinciæ quod ad aliam partem ejusdem Ecclesiæ sese traherent, tractarent & deliberarent, de Petitione prædicta — & deliberatione habita per eosdem, sibi referre & intimare de Voluntate eorundem in dicta domo Capitulari super præmissis discrastino —* This Instance is Express.

And the other Intire Convocation which the same Author has publish'd of the Year 1356. will give us two more, which by this we may the better understand. There, when the Clegy in a Session May 23. had brought in an Unsatisfactory Answer to the King's Desire, the Archbishop entreats them to consider of a Better, Until the next day [the next Session] *Facta suasionem per Dominum Archiep. & alios Episcopos dicto Clero, quod consideratis expositis ei ex parte Regis, super meliori responsione deliberarent, USQ; diem Martis tunc crastinum; idem Dominus Archiep. Concilium Continuavit — ad diem predictum —* Where the word *USQ;* certainly imports a Request that they would consult in the mean time. And such an Intermediate time was as certainly suppos'd to be made use of, in the second day of that Convocation, and the first of Business May 17. the Archbishop Adjourning the Convocation to the next day, Orders the Clergy to propose their Petitions to him on That day. *Dominus Archiep. Continuavit Concilium — in diem crastinum — & injunxit Religiosis & aliis de Clero, quod die tunc crast. predict. proponerent Petitiones suas.* For these Petitions concerning Grievances and Reformation were generally of many Articles, and could not be form'd on the suddain, while their Lordships were Sitting the next Morning.

More time was allow'd by Archbishop *Arundell* for that purpose, in his Convocation of 1406. (as we learn from an Extract of it) for he allows four days; and orders the Lower Clergy to meet on the Intermediate days about it. *17. Maii, Die Lunæ, Archiepiscopus propter Parliamenti negotia — prorogavit ad diem Veneris 21. & demandavit aliis Prelatis & Clero, quod singulis diebus interim addictum*

locum convenirent, & laborarent circa Reformanda, & Articulos conciperent. The Articles of Reformation were usually many in that Archbishop's time, though he no ill Archbishop, and requir'd as he might think some Diligence to Form them against the next meeting, when he desir'd to see them, that he and his Brethren might have time to consider of them, before the end of the Convocation, which was on the 18th of the next Month.

From these few Præcedents it is plain, that in those times Intermediate Meetings of the Lower Clergy between the General Sessions of Convocation were Not unusual: and that they were held not only concerning Business propos'd from the King or Archbishop, but that which was properly to come from Them, as that of Grievances most certainly was. For although they are here set upon at the Motion of the Archbishop, yet undoubtedly the Clergy might have fall'n upon that work at a fit time, without his Special Direction. And so likewise, though the Archbishop here directs the Intermediate time (and otherwise the Journal of the Upper House was not likely to take notice of it) yet that Direction must not be suppos'd to License, and to make Lawful the Use of it, but only to Urge and Quicken it for Dipatch. The Demandavit in the last Instance *ut convenirent*, is only in order *ut Laborarent circa Reformanda & Articulos conciperent*: and this Labour about the *Reformanda*, and Framing Articles, is onely in order to theyr being præsentd on the day of the next Session. This Præsentment we may well presume to have been the Single Intention of the Archbishop; and that this Phrase was equivalent to that before cited, *Injunxit quod die crastino proponerent*

prnerent Petitiones suas. And then, the exprefs mention of Intermediate days in one place, must mean no more than the Implying of Immediate time in the other (either in the last mention'd or the other *USQ;*) where, if a License had been wanting for the Use of it, it would certainly in those Times of Canonical Form have been given exprefsly.

Thus it seems probable from those few Instances we have had the Opportunity of meeting with, that these Intermediate Assemblings of the Lower Clergy were the Practice of those Elder Times: and from the same Usage of the Contemporary Parliaments it is plainly confirm'd. And of the free Liberty of so using the Intervals of Sessions we may therefore fairly understand, those words in the Form of Holding a Convocation, drawn up in the beginning of Queen Elizabeth's Reign: Where, After the manner of Constituting a Prolocutor is declar'd, it follows, *Et statim idem Reverendissimus, Anglice si placeat, Exponere solet ulterius beneplacitum suum, hortando Clerum, ut de Rebus communibus quæ Reformatione indigeant CONSULTENT & REFERANT DIE STATUTO: Ac ad hunc modum de Sessione in Sessionem Continuabitur Convocatio —*

For here, if not by Common Sense, yet by what we have seen as the *Reformenda* are exprefs'd to be the Business of the Convocation, So the *Die statuto* [the next Session] must be join'd with *Referant*, and the *Consultent* be left at large.

An Example of what is here præscrib'd, the Journal of the Convocation in 1541 (or Ancient Abstract of it) will afford us; which on Jan. 27. is thus exprefs'd. After it is sayd that — *Clerum Vocari iussit, & exposuit eis Ratificationes suas*, it follows, *Prolocutore Ratificato, Reverendissimus exposuit ex parte Regis, quod Intentio ejus erat, ut Ipsi inter Sese deliberarent de Reformandis*

Reformandis Erroribus, &c. (& ibi tradidit Prolocutori quosdam libros examinandos) & conficerent Leges de Simonia vitanda, & referrent Judicia sua proxima Sessione 3 Febr. For evidently here was more to do, than could be Dispatch'd in the remaining part of this Session, or the beginning of the next; and work enough for the Intervening time.

N U M B. XII.

In the Acts of the Lower House in 1586, the last Session before the Recess, which was,

SEff. 11. Dec. 2. 1586. *In Sacello in Ecclesia D. Pauli, Prolocutor Continuavit hujusmodi Convocationem quoad hanc Domum usq; in diem Veneris, 17 viz. diem mensis Febr. prox. — in hoc loco — & monuit, &c.*

Here 'tis plain that what concern'd the Lower House was done *In Sacello, &c.*

The first Session after the Recess begins thus.

Die Veneris. Febr. 17. 1586. In Domo Capitulari Ecclesie D. Pauli London. Continuata est hujusmodi Convocatio ab secundo Decembris in statu quo tunc fuit, usq; ad hos diem horas & locum, Quibus venerabilis Vir Mr Wilhelmus Ambrey Commissarius Reverendissimi, & Autoritate sufficienti ad hoc fulcitus, Continuavit hujusmodi Convocationem in statu quo nunc est, usq; in diem Veneris 24 Februar. Et prorogavit locum usq; ad & in Ecclesiam Collegiatam Westm. præsentibus tunc & ibidem venerabilibus Viris, Magistris Mulleyns & Walker ex cætu Domus inferioris, nec non aliis testibus.

Here

Here 'tis plain that what was now done by
Dr. *Aubrey* was done in *Domo Capitulari*, &c.
the Known Room in which the Upper House
us'd to sit.

N U N B. XIII.

Convocation in 1689. Acts of the Upper House.

Nona Sessio. Die *Lanæ* nono Decembris A. D. 1689--
Reverendus Pater Præses antedict. pro Tribunali se-
dens --- Comparuit Decanus Ecclesiæ Christi Oxon, cum
&c --- & produxit schedulam quandam in scriptis concept. --
& eandem Schedulam legit, & postea in manus --- Præsi-
dis --- tradidit. Et tunc --- decederunt. Quibus deces-
sis --- Præses --- causas quasdam --- in scriptis confici fecit,
& tunc Decanum, &c. accersiri jussit --- schedulam præ-
dictam legit, & dicto Decano tradi fecit. Et tunc etiam
Declaravit, quod Apparet per Recorda Domus Superioris
Convocationis, quod quoties & quando aliquid fuit per
dictam Domum Inferiorem Superiori Domo Convocationis
proposit. Prolocutor semper comparuit in propria sua per-
sona, aliis dictæ Domus secum comitantibus. Sed ad tol-
lend. omnes Controversias desuper in futurum, Petiit, ut
Prolocutor & Cetus Domus prædict. vellet nominare quæ-
dam Membra dictæ Domus tanquam cætus select. ad compa-
rend. --- hora quinta pomeridiana hujus diei, ad inspiciend.
cum Cætu select. --- Episcoporum --- Recorda prædicta, &
alia si quæ sint Recorda Convocationis. Eiq; decessis ---
Præses --- una cum, &c ad Domum Procerum --- adivit.
Et tunc --- *Asaph*, Episcopus --- Præsidis prædict. Commis-
sar. --- judicialiter sedebat --- & --- prædictus Decanus ---
comparuit, & produxit & exhibuit quandam papyri sche-
dulam

dulam --- quam legebat; & tunc in manus Episcopi Asaph tradidit. Eisq; dimissis, --- Episcopus Asaph --- Prolocutorem --- accersiri jussit --- qui --- comparuit, & Declaravit Domum Inferiorem Catum select. ad comparend. hor. & loco prædict. ad effect. prædict. nominasse. Et tunc --- Asaph. Episcopus cum consensu, &c. Hanc sacram Synodum sive Convocationem --- ad & in crastinum diem --- Continuavit & Prorogavit prout in Scheda, &c.

N U M B. XIV.

The Answer of the Archbishop, and his Brethren the Bishops, to the Paper brought up by the Prolocutor from the Lower House upon Saturday April 5. 1701.

THE Archbishop, Præsident of the Convocation of this Province, and his Brethren the Bishops do Declare, that They hold themselves oblig'd to maintain and præserve the Ancient Fundamental Constitution of the Christian Church; the Government and Discipline of the Church of *England*, as Now by Law establish'd, and all the Ancient Usages of Convocation.

And as they will always have a due Regard to the Just Rights of the Lower House in all Points, so they neither ought nor can depart from those Rights which are vested in Them, by the Constitution of the Catholic Church in General, and of the Church of England in particular: which they find by Immemorial Custom and Practice have belong'd to the Archbishop and Bishops of this Province, and accordingly have been exercis'd by them in the Upper House.

And

And therefore the Archbishop and Bishops having carefully search'd the Registers, and follow'd the Regular Methods and Presidents they found therein, cannot but take notice, that The Proceedings of the Lower House have been Irregular and without Precedent, in sundry Particulars.

Such as

Theyr appointing Committees of the Whole House, which We do not find to have been ever done before: and Theyr assuming a Power in that House to give leave to their Members to be absent, which of Right belongs to the Præsident only.

But the Instances now chiefly to be consider'd are those in the last Paper brought up by the Prolocutor.

Whereas the Archbishop and Bishops had given a full and distinct Answer to every Particular contain'd in a short paper brought up by the Prolocutor from the Lower House concerning Adjournments and Prorogations: they expected, that Either they would have acquiesc'd in that Answer, Or shew some reason why they would not, by returning at least some kind of Reply to the Arguments and Authority by which that Answer was supported and confirm'd.

The Lower House did neither of these; but to Our great Surprise, sent up a Paper, in which they declare that They are come to * Resolutions and Conclusions; and then say that They conceive those Resolutions are necessary to be maintain'd; and they cannot † Under the force of theyr Convictions, depart from them: and all this || without offering any Reason on theyr side, or Answering any of Ours.

** Not Conclusions for the House made none: but only agreed to what the Committee call'd, by the usual and proper word Resolutions.*

† That's the Reason why they could not depart.

|| But desiring to have an opportunity of doing both, in a Conference.

This is a Method altogether New, and such as can never make a fair end of any Controversy.

The way which They propose to put an end to the matter is By a free Conference; which it seems strange they should ask, after theyr having declar'd they are come to Resolutions or Conclusions which they conceive necessary to be maintain'd.

This declaration of theirs was very Irregular, if the Regular way is that of a free Conference as they call it in the same Paper.

But before they had call'd this the Regular way, they ought to have shewn some Instances of it in former Convocations; where In all the Registers there does not appear so much as one Instance of any Conference desir'd by the Lower House. They have indeed been call'd up *Ad Colloquium* upon occasion: And some here present cannot but remember that they were so call'd up in the Convocation in the year 1689. by the Bishop of *London* being then Præsident in the Vacancy of the See of *Canterbury*. But the Consequences of it were such as do by no means encourage the doing of the like at this present time.

But the greatest Attempt of Innovating upon the Constitution of the Convocation appears in the Conclusion of that Paper, wherein is express'd, that Either House may make a Recess during the approaching Festival of *Easter*.

This is a Claim so altogether New, that it was never heard of before, and here it stands, without any Prætence of Law or Usage to support it.

But besides, This is such a manifest Violation of the Præsident's Authority as cannot be comply'd with, or suffer'd, without destroying the Fundamental Constitution of an English Convocation.

N U M B. XV.

The Answer of the Archbishop and Bishops to the Representation of the Lower House of Convocation, concerning Toland's and other Books.

UPon our consulting with Counsel learned in the Law concerning Heretical, Impious, and Immoral Books, and particularly concerning a Book of *Toland's* sent up to Us from the Lower House; We do not find, How without a License from the King, which we have yet not receiv'd, We can have sufficient Authority to Censure Judicially any such Books: but on the contrary we are advis'd, that By so doing, Both Houses of Convocation may incur the Penalties of the Statute of 25 *H.* 8.

N U M B. XVI.

To his Grace the Lord Archbishop of Canterbury, and the Reverend Bishops his Suffragans. May 30.

WE whose Names are underwritten, do humbly beg leave to represent to Your Grace, that whereas we did move in the Lower House of Convocation, that we might enter our Protestation against all Intermediate Sessions of the Lower House betwixt Your Grace's ordinary Prorogations, The Question being put upon the said Motion, it pass'd against us in the Negative. And a farther Motion being made, and the Question put, Whether the

said Vote should be Register'd, it likewise pass'd against us, that it should not be Register'd at Yet.

Whereupon We humbly beg leave, that We may be admitted to enter our Protestations against all such Intermediate Sessions.

William Sherlock, Dean of *St. Paul's*.

George Verney, Proc. *Dioc. Linc.*

J. Wichart, Dean of *Winton*.

Sa. Freeman, Dean of *Peterb.*

Geo. Bull, Arch-Deacon of *Landaff*.

Will. Stanley, Arch-Deacon of *London*.

Jo. Jeffery, Arch-Deacon of *Normich*.

Charles Trimnell, Arch-Deacon of *Norfolk*.

Richard Bowchier, Arch-Deacon of *Lewis*.

John Evans, Proctor for the Diocess of *Bangor*.

John Whitefoot, Proctor for the Diocess of *Normich*.

Giles Pooley, Proct. for the Diocess of *Bath and Wells*.

Thomas Littel, Proct. for the Church of *Normich*.

N U M B. XVII.

THAT the Lower Clergy in 1640, appointed two Intermediate Sessions, one in *May*, another in *December*, is indisputably certain, if the Original Journals of the two Houses are of any credit. Least they should be so, the Letter tries to confront 'em with *private accounts* writ by *Fuller* and *Heylin*, which *Heylin* never thought of any thing less than of agreeing with *Fuller*, in any point of *Church-History*. But instead of reflecting on the Story given us in the Letter, I shall offer to the Reader what I think more probable: which if it be admitted will make it plain, that the Clergy were in no such *Takings*.

ings as the Letter suggests, but acted very rationally and consistently in all their Proceedings.

It is not doubted but on *May* 5. 1640. the King dissolv'd the Parliament in the Morning: and Archbishop *Laud* says in the History of his Troubles, p. 79. *He had sent to dissolve the Convocation, at their next Sitting* (which was the same *May* 5. in the Afternoon, as appears by the Journals) but adds that *He Forgot he was to have the King's Writ, for Dissolving as well as for Convening it; and that Word of this was brought him from the Convocation-House, while he was sitting in Council, his Majesty present: which Council therefore I suppose was held the same May 5. in the Afternoon.* He adds moreover that *When the Council rose,* (the Convocation probably still Sitting to expect the Archbishop's answer) *he mov'd his Majesty for a Writ:* and his Majesty told him, that having advis'd with the Lord Keeper He resolv'd the Convocation should Sit on. Of this, the Archbishop probably gave the Convocation notice, and directed the Upper House to Adjourn (as they did) to *May* 9. For they could not proceed to Business till they had a new License, their old one expiring with the Parliament: which particularity (though omitted in his Grace's History) we are sufficiently assur'd of from other hands: and have reason to believe that the Adjournment was therefore order'd, while the New License was preparing. But the Lower House, many of 'em doubting the Legality of their Sitting and Acting after the Parliament was Dissolv'd, Adjourn'd (not to *May* 9. the Upper-House day, but) to *May* 8. the day before it, in order to Debate among themselves What was fit to be done; Whether they should venture to Sit on; and if not, to draw up their Reasons for Refusing, against the day following.

This

This I offer to the Reader, as no improbable Conjecture in a case wherein I have met with nothing certain, either in our own Journals, or the Publick Papers of those Times.

I must make the same Apology for that I am about to add, that though we are not absolutely certain, we have reason to believe, that before this *May* 8. both Houses might have Notice, either from the Archbishop or the Office, that their License would not be ready (as *de facto* it was not) till *May* 12. and that for this reason they Adjourn'd both of 'em to the thirteenth; and this by Consent, as I suppose, because no Business Could be done in Either House till they had their New License.

This License was issu'd *May* 12. on the thirteenth Both Houses met: But still the Members of the Lower House were not all of 'em fully satisfy'd, they might Sit and Act: for this his Grace takes notice of in his History p. 80. And perhaps it was for this Reason, that *such Acts of the Lower House as related to theyr Privileges were this day read*, as our Extracts say they were; and these too not giving full satisfaction, the Lord Keeper with six other Eminent Lawyers deliver'd theyr Judgment in a Paper which they sign'd *May* 14. And this Paper being brought into the Convocation the day following, *The Judgment of these great Lawyers*, says the Archbishop, p. 80. *Settled both Houses*, and so they proceeded in theyr Business.

I hope it will be easier to the Reader to allow this Account, though so much of it be Conjectural, than for the sake of other, and those more improbable Conjectures, to falsify the Credit of Authentick Journals; or believe a whole House of Convocation were
fo

so forsaken even of Common Sense, as to act by such Measures as the Letter has devis'd for 'em.

Now for the other Intermediate Session appointed in *December* following, it were easy if it were but as necessary to give an account of it, by considering what the Parliament was doing at the same time. But let it suffice, that we may take it on the credit of our Minutes, that the Lower House appointed such a Meeting; and when they met made such a Protestation as assures us they Consider'd what they Did. For against these Minutes (at least this particular part of 'em) nothing yet has been objected that is worth regarding. The Letter-writer neither confronts 'em with the Register of the Upper House, nor so much as with a motley story out of *Fuller* and *Heylin*. He has indeed made a shift to shew us, How the Actuary had he been either Fool or Knave enough, *Might* have sham'd Posterity with a false account of these Meetings; but to prove he Actually *Did* so, he offers not a Syllable. And where he makes his nice observations upon *Breaks* and *Capitals*, and the *Colour of Ink*, it would not have been quite so Acute, but it would been a great deal Honester to have told us this plain truth, that the Ink keeps its colour, the Breaks are regular, and the Capitals in theyr proper places, in all those particular Minutes that concern the Controverted Sessions. And for this among other Reasons I joyn with him in *wishing, that his Country-friend could but have an opportunity to see these Minutes*; for then too he would plainly perceive that Not the Actuary, but They that writ the Bishops papers, and his City-friend that writ out of 'em, were *mistaken in the counting of the Sessions*.

But after all it must not be dissembled, that the Writer of these Minutes has committed One fault;
for

for it is no more to write *Wednesday* November the seventeenth, and consequently *Tuesday* the sixteenth. For this, I shall make no other Apology, but that I believe it was a Casual mistake, for which it would be very severe Quite to ruine the Reputation of an honest and an able Actuary. *Acts* for *Minutes* is as great a mistake as *seventeenth* for *eighteenth*, and I hope as casual; and so there will be every where Room for the Reader's Mercy. And I doubt not but both theyr Lordships and the Writer of the Letter too will incline to judge candidly; since in theyr own Papers, if there are no Casual Mistakes, 'tis evident there's abundance of Wilfull ones.



FINIS.

